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North-Carolina,

IN SENATE, DECEMBER 15th, 1809.

RESOLVED, That it be recommended by the Representatives of the Free People of the State of North-Carolina, that the Members who shall compose the next General Assembly appear, at the time of their said Session, cloathed entirely either in the Manufactures of this State or of the United States.

RESOLVED FURTHER, That it be the duty of the Public Printers to bind up a Copy of this Resolution in front of each Copy of the Laws of this Session.

By Order, M. STOKES, Clerk.

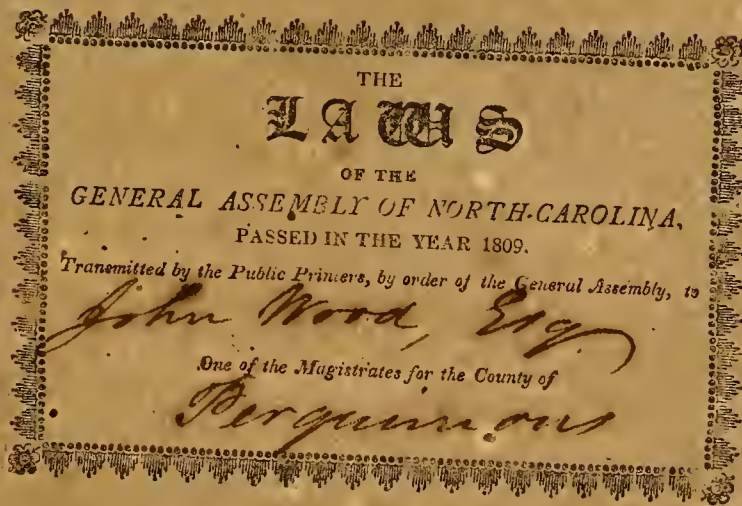
JOS. RIDDICK, S. S.

In House of Commons, 22^d December, 1809.

READ and resolved that this House do concur therewith.

T. DAVIS, S. H. C.

By Order, P. HENDERSON, Clerk.



1870
1871



L A W S

OF

NORTH-CAROLINA.

At a General Assembly, begun and held at Raleigh, on the Twentieth Day of November, in the Year of our Lord One Thousand Eight Hundred and Nine, and in the Thirty-Fourth Year of the Independence of said State. 1809.

DAVID STONE, ESQUIRE, GOVERNOR.

CHAPTER I.

An Act providing for the further relief of Debtors.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in all cases where any judgment shall have been obtained for any debt or damages, in any court of common pleas and quarter-sessions of this State, against any debtor or other person whomsoever, at any time before the thirty-first day of December, one thousand eight hundred and nine, it shall be the duty of such court to stay execution, and all further proceedings thereon, until the first term or regular session of such court which may happen next after the first day of April, one thousand eight hundred and ten; such debtor or person first giving two freeholders, such as shall be approved by the said court as securities for the said stay of execution, the acknowledgment of such securities, and the entry of their names in open court, being considered as part thereof. And should the said judgment, with interest and costs, not have been discharged on or before the said first term or regular session of such court which may happen next after the said first day of April, one thousand eight hundred and ten, it shall be the duty of such court, on application made, to issue execution against the principal and his securities, for the full amount, or so much thereof as shall remain unpaid.

Executions stay'd or judgments obtained in county courts till the first term after the 1st of April, 1810.

II. *And be it further enacted,* That in all cases where any judgment shall have been obtained against any debtor or other person whomsoever, before any justice of the peace out of court having cognizance thereof, at any time before the thirty-first day of December, one thousand eight hundred and nine, it shall be the duty of such justice, or in case of his death, resignation or removal, the duty of any other justice of the same county wherein such judgment shall have been obtained, to stay execution and all further proceedings thereon, until the first day of April, one thousand eight hundred and ten; such debtor or person first giving two freeholders, such as shall be approved by the said justice, as securities for the said stay of execution; the acknowledgment of such securities, and the entry of their names on the said judgment, being considered as part thereof. And should the said judgment, with interest and costs, not have been paid on or before the said first day of April, one thousand eight hundred and ten, it shall be the duty of such justice of the peace, or in case of his death, resignation or removal, the duty of any other justice of the same county, to award execution against the principal and his securities for the full amount, or so much thereof as shall remain undischarged.

On judgments obtained before a Justice of the Peace until the 1st of April, 1810.

III. *And be it further enacted,* That in all cases where any judgment shall hereafter be obtained for any debt or damages in any court of common pleas and quarter-sessions of this State, against any debtor or other person whomsoever, and at the first term or regular session of such court which may happen next after the thirty-first day of December, one thousand eight hundred and nine, it shall be the duty of such court to stay execution and all further proceedings thereon, until the first term or regular session thereof which may happen next after the first day of April, one thousand eight hundred and ten; such debtor or person first giving two freeholders, such as shall be approved by the said court, as securities for the said stay of execution, the acknowledgment of such securities and the entry of their names in open court, being considered as part thereof. And should the said judgment, with interest and costs, not have been

On judgments hereafter obtained in any county court, execution may be stayed until the first term after the 1st of April, 1810.

245124

1807

discharged on or before the said first term or regular session of such court which may happen next after the said first day of April, one thousand eight hundred and ten, it shall be the duty of such court, on application made, to award execution against the principal and his securities for the full amount, or so much thereof as shall remain unpaid.

Nothing in this act to interfere with the stay granted by the act of 1794.

Cases to which this act shall not extend.

IV. *And be it further enacted*, That nothing herein contained shall be so construed as to interfere with the right of any person or persons to demand and obtain a stay of execution, as recognized by the provisions of an act passed in the year one thousand seven hundred and ninety four, entitled "An act directing the mode of recovering debts of twenty pounds and under;" which act is hereby declared to be in full force and virtue, so far as regards the stay of executions: nor be deemed in any manner to apply to judgments or executions which heretofore have been, or hereafter may be obtained or issued at the instance of the Treasurer, or any other officer, in the name and for the benefit of the State, or to exonerate clerks, sheriffs, constables, county treasurers or treasurers of public buildings, from paying over, or otherwise accounting for, all such sums of money as they heretofore may have received or collected, or may hereafter receive or collect by virtue of their office; or to prevent such clerks, sheriffs, constables, county treasurers or treasurers of public buildings, from collecting such monies as may be due them for the use of the Public.

Former acts repealed.

V. *And be it further enacted*, That all acts and clauses of acts which come within the meaning and purview of this act, are hereby repealed and made void.

Read three times, and ratified in General Assembly, the 23d day of December, 1809.

JOSEPH RIDDICK, S. S.

THOMAS DAVIS, Speaker of the House of Commons.

Copy,

WILLIAM WHITE, Secretary.

CHAP. II.

An Act to regulate the Banks of Newbern and Cape-Fear, in certain cases.

A tax of one per cent on Bank stock.

To be paid to the Treasurer by the 1st Oct. annually.

Penalty on failure.

No less than 15 notes to be issued.

State Directors to be appointed by the Governor.

To report to the General Assembly.

Charters to be forfeited if more notes are issued than authorized.

Not to issue on temporary deposits.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That hereafter a tax of one per centum per annum shall be levied on all the Stock held in each of the Banks of Newbern and Cape-Fear, either by this State or any individual or corporation whatever, which shall be paid to the Treasurer of this State by the President and Cashier of said Banks, on or before the first day of October next, and on or before the first day of October in each and every year thereafter; and upon the failure of the President and Cashier of either of the said Banks to pay to the Treasurer, on or before the first day of October in each year, the tax hereby imposed, judgment shall and may be had therefor, against the said President and Cashier, on motion in the Superior Court of Wake county, in the same manner as judgments are by law had against delinquent Sheriffs.

II. *And be it further enacted*, That it shall not be lawful for the President and Directors of the before recited Banks, at any time hereafter, to issue any Note or Notes, under the sum of one dollar.

III. *And be it further enacted*, That the Directors hereafter to be appointed on the part of the State, shall be appointed by the Governor for the time being, and it shall be their duty to make a correct statement to the General Assembly, at their session in each and every year, whether a greater amount of Notes has been issued by the President and Directors of their respective Bank, at any time within the last year, than is authorized by its Charter, under the penalty of five hundred pounds, to be levied on their goods and chattels, lands and tenements; and should it appear by the statement aforesaid, that the President and Directors of either Bank have at any time issued Notes to a greater amount than is authorized by their Charter, then, and in that case, they shall absolutely forfeit their Charter heretofore granted them: *Provided always*, That nothing in the act of Assembly of 1804, which constituted the Banks of Newbern and Cape-Fear, or this act, shall be construed so as to authorize the said Banks, on any pretence whatever, to emit or issue Notes on any temporary deposit which may be made by merchants or others, which are, or may be liable to be drawn out of said Banks—that is to say, they shall not emit Notes on the faith of deposits to an amount exceeding the smallest amount of deposits which have been holden by the said Banks at any time within one year next immediately preceding.

A list of the stockholders to be given to the Treasurer by the 1st of May annual. Stockholders liable in their individual capacity.

IV. *And be it further enacted*, That a correct list of the names of the President, Directors and Stockholders of said Banks, shall be given to the Treasurer of this State, by the Directors appointed on the behalf of this State, on or before the first day of May next, and on or before the first day of May in each and every year thereafter, which shall be by him preserved. And that the persons whose names are returned as aforesaid, shall, on the expiration, forfeiture, or other dissolution of their charter, be, and they are hereby made liable in their individual capacities, in proportion to their several interests in each of said Banks, for the payment of the full amount of all their notes then in circulation, and which shall not be redeemed by the corporations aforesaid.

V. *And be it further enacted*, That this act shall take effect on and from the first day of January, one thousand eight hundred and ten; and that all acts and clauses of acts which come within the meaning and purview of this act, be and they are hereby repealed and made void, any thing to the contrary notwithstanding.

1800.

When this act shall take effect.

CHAP. III.

An Act in aid of the University of North-Carolina.

WHEREAS this State possesses certain funds from which no profit is yielded, but which, by the zeal, activity and united exertions of the Trustees of the University of North-Carolina, might be rendered productive; and whereas, in the present embarrassed state of the Institution, it is the bounden duty of the Legislature to afford to it such assistance as the nature of the public finances will justify:

Preamble.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Trustees of the University of North-Carolina be authorized and empowered to demand, sue for, recover and collect, from any Executor or Administrator of a deceased person, or the representatives of such Executor or Administrator, all sums of money, or other estate of whatever kind, that may be in the hands of such Executor or Administrator, that has remained or shall remain for seven years, after such Executor's or Administrator's qualifications, unrecovered by the creditors, legatees or next of kin of the Testators or Intestate, and the same to hold without liability for profits or interest, until a just claim therefor shall be preferred; and if no such claim therefor be preferred within ten years thereafter, then the same to hold absolutely for the benefit of the University.

Trustees empowered to recover certain balances in the hands of Ex'rs or Administrators.

II. *And be it further enacted*, That all debts, dues and demands, which have accrued to this State, and all such balances as have been owing to this State, or to any Public Officer for the benefit thereof, on or before the thirty-first day of December, one thousand seven hundred and ninety-nine, be, and the same are hereby transferred and assigned unto the Trustees of the University of North-Carolina, who are authorized to demand and receive from the Officers of this State, the documents and evidences by which the same are substantiated.

And all debts due to the State before Dec. 31, '99.

III. *And be it further enacted*, That to enable the said Trustees to carry into full effect the provisions of this act, they are hereby authorized to bring any and every suit, either in law or equity, which may be proper and requisite to effect the premises, either in their own name, or in the name of the State, or the proper Officer thereof; and shall also have the same remedies, in every respect, as might have been had by the State, or the proper Officer thereof, previously to this act; and that all laws and clauses of laws, which come within the meaning and purview of this act, be, and the same are hereby repealed and made void.

How the trustees shall bring suit.

CHAP. IV.

An Act to raise a Revenue for the payment of the Civil List and contingent charges of Government, for the year one thousand eight hundred and ten.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand eight hundred and ten, a tax of eight-pence on every hundred acres of land within this State, and a tax of two shillings on every hundred pounds value of town lots with their improvements, as well on those not established by acts of Assembly as on those that have been so established; and a tax of two shillings on every poll, shall be levied, collected and accounted for, in the same manner as such taxes have heretofore been levied, collected and accounted for.

Tax on lands, town lots and polls.

II. *Be it further enacted*, That a tax on all stud-horses and jack-asses within this State of the full sum which the owner or keeper of such stud-horse or jack-ass shall ask, demand or receive for the season of one mare, shall be levied and collected as above.

On stud horses, &c.

III. *Be it further enacted*, That all free males between the ages of twenty-one and fifty, and all slaves between the ages of twelve and fifty years, shall be subject to a poll-tax: *Provided*, That all slaves be listed in the county wherein they reside, and the tax shall be collected accordingly.

Who is subject to pay a poll-tax.

IV. *And be it further enacted*, That each and every person, who shall hereafter peddle or hawk goods, wares and merchandize in any of the counties of this State, shall first obtain a licence from the Clerk of some County Court of this State, under his seal of office: And the person so peddling or hawking, shall pay the Clerk, before obtaining said licence, the sum of ten pounds to the use of the State, to be accounted for by the Clerk in the same manner as tax-fees are accounted for; and any licence so obtained shall authorize said Pedlar to peddle and hawk goods, wares and merchandize in any and every county in this State for the term of one year; and if any person shall peddle or hawk goods, wares or merchandize in any county of this State without licence, he

Tax on pedlars.

63681

1809.

shall forfeit and pay the sum of thirty pounds, to be recovered by the Sheriff, or any other person of the county in which he shall so peddle, before any Justice of the Peace, in the name of the Governor one half to the use of the said Sheriff or other person, and the other half to the use of the State: *Provided*, That no tax be imposed on those who sell articles that are wholly of the produce and manufacture of this State.

Tax on negroes brought into the State for sale.

V. *And be it further enacted*, That any person or persons who shall hereafter bring into this State for sale, Negro or Negroes, before making any sale or sales, shall apply to the Clerk of some one of the said County Courts of this State, and shall give in to the said Clerk a list of the names and ages of the Negroes so intended to be sold, and shall pay to the said Clerk the sum of five pounds for each Negro contained in said list, and shall receive from said Clerk a certificate certifying that the sum aforesaid has been paid, and that the person holding the same is duly authorized to sell the Negroes contained in the said list: Any person or persons selling, or offering for sale, a Negro or Negroes brought into this State from any other State, before obtaining such certificate, shall forfeit and pay thirty pounds for each and every Negro so sold or offered for sale, one half for the use of the person or persons suing for the same, and the other to the use of the State, to be recovered before any Justice of the Peace or Court of Law having cognizance thereof, by action of debt.

How clerks are to settle with the treasurer.

VI. *And be it further enacted*, That the Clerks of the several County Courts shall account for and pay in to the Treasurer of the State all sums by them received by virtue of this act, in the same manner and at the same time they settle their other public accounts.

Taxon wholesale & retail merchants.

VII. *And be it further enacted*, That all Merchants, either wholesale or retail, shall pay a tax—if a wholesale Merchant, the sum of five pounds, and if a retailing Merchant, the sum of two pounds ten shillings, on each and every store in this State, at which they shall sell any goods, wares and merchandize to the amount of two hundred pounds in any one year, and all merchants or owners of stores as aforesaid shall give in his, her or their store or stores, as the case may be, with a list of their taxable property, under the same rules and regulations that other taxable property are given in, which said tax shall be levied, collected and accounted for, in the same manner as other taxes: *Provided always*, That no retailer of spirituous liquors by the small measure shall be liable to pay, in addition to the tax imposed on such retailers, the tax also imposed on stores, unless such retailer shall sell goods, wares and merchandize, other than such liquors, to the amount herein before stated.

Tax on goods on board vessels.

VIII. *And be it further enacted*, That every person who shall come into this State on board any vessel, with goods wares and merchandize on board thereof, which shall not be subject to the payment of duties imposed by the laws of the United States, and retail thereout the said goods and merchandize, shall pay ten pounds, to be collected by the Sheriff of the county wherein such vessel may be anchored, and by him accounted for in the same manner as other taxes, or by this act directed.

Sheriffs to collect said taxes.

IX. *And be it further enacted*, That the Sheriffs of the several counties within this State shall be, and they are hereby authorized and directed to collect the taxes herein imposed on vessels arriving in any of the ports of this State, as soon as the said vessel break bulk for the purpose of retailing goods thereout; and the said Sheriff shall also immediately proceed to collect the tax on all stores, by this act directed from all persons who shall or may be considered as transient merchants.

No sinking fund tax.

X. *And be it further enacted*, That no sinking fund tax shall be collected for the year one thousand eight hundred and ten.

Sheriff not to advertise land for sale in the Papers where owner lives in the county.

XI. *And be it further enacted*, That it shall not be lawful for the Sheriff to advertise lands for sale in any of the newspapers in this State, where the owner resides in the said county; but in such case, it shall be the duty of the Sheriff to advertise in the same manner as in cases of advertising for sales of land on execution: *Provided*, That no tax shall be collected on houses for public worship, houses for the education of youth, parish houses, the house inhabited by the single women in the town of Salem; any law, usage or custom to the contrary notwithstanding.

Certain houses not to be taxed.

CHAP V.

An Act to regulate the ridings of the Judges of the Superior Courts of Law and Equity within this State.

No Judge to ride the same circuit more than once in 18 months.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passage and ratification of this act, it shall be the indispensable duty of the several Judges of the Superior Courts of Law and Equity within this State, to so regulate their ridings, that none of the said Judges shall ride the same circuit more than once, within the term of eighteen months; any thing to the contrary notwithstanding: *Provided*, That nothing in this act contained shall be so construed as to affect the next riding of the Judges.

CHAP. VI.

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An Act to authorise and empower the Judges of the Superior Courts of Law and Equity to appoint Solicitors, in the recess of the Legislature.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That whenever any vacancy shall hereafter happen, either by the death, removal or resignation of any of the Solicitors of this State, in the recess of the Legislature, it shall be the duty of the Judge, who is next to ride the circuit wherein such vacancy has happened, to appoint a Solicitor *pro tempore*; who shall have all the powers and authorities, receive the same salary, and be subject to perform the same duties as his predecessor, and be deemed to be in office until the end of the Legislature which shall first happen subsequent to his appointment.

Judges to appoint Solicitors pro tem.

CHAP. VII.

An Act to amend and explain an Act passed last General Assembly, entitled "An Act to give concurrent jurisdiction to the Superior and County Courts."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That nothing contained in the before recited act shall be construed so as to extend the jurisdiction of the County Courts of Pleas and Quarter Sessions, as heretofore used and practised, before the passing of said act; any thing therein contained to the contrary notwithstanding: And that all appeals from the judgment of a Justice shall be made, as formerly, to the County Courts.

County court jurisdiction not to be extended.

CHAP. VIII.

An Act to amend the third section of an act passed in the year one thousand eight hundred and eight, entitled "An act to amend an act passed at the last session of the General Assembly, entitled An act to allow interest on Judgments recovered in actions brought on contract, and to mitigate the severity of Executions."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any person or persons, who may hereafter be imprisoned for debt, shall not be permitted to take the oath of insolvent debtors, unless he shall continue within the walls of said prison for the space of twenty days.

No person to take the insolvent debtor's oath unless confined in prison.

II. *And be it further enacted,* That the third section of the above recited act be, and the same is hereby repealed and made void.

CHAP. IX.

An Act to amend an act passed at the last session of the General Assembly, entitled "An act to restrain Justices of the Peace from holding appointments inconsistent with the nature and duties of their office."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in addition to the appointments declared, in the above recited act, to be incompatible with the office of Justice of the Peace, the appointment of Jailor shall hereafter be considered incompatible with the said office, and shall not be held or accepted by any Justice of the Peace, under the penalty of fifty pounds, to be recovered and applied in the manner prescribed in the above recited act.

No jailor to be a justice of the peace.

CHAP. X.

An Act requiring the Attorney-General of this State to attend the Supreme Court.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it is hereby required of the Attorney General to attend all the business which is now pending, or which may hereafter be carried up to the Supreme Court of this State for adjudication, wherein this State may be concerned, or in any manner have any interest therein; and for which services the Attorney-General shall receive, as a compensation, the sum of twenty pounds for each Court that he may so attend, to be paid by the Treasurer of the State, upon a certificate being produced to him, from the Clerk of the Supreme Court, to that effect.

Attorney-General to attend to state business in the Supr. Court.

Compensation.

CHAP. XI.

An Act granting to the several Counties in this State all fines, forfeitures, amercements and tax fees, for the purpose of paying the expence of State prosecutions and contingent charges of the Counties.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passage of this act, all fines, forfeitures, amercements and tax fees, on suits and Attornies' licences, as well in the Superior as County Courts, shall be accounted for and paid to the County Trustees, for the purpose of defraying the costs of State prosecutions and the contingent expence of the County.

All fines, &c. shall go to the county trustees for defraying the costs of state prosecutions, &c.

II. *And be it further enacted,* That the several Counties in this State shall pay the costs and charges of State prosecutions, when by law the State is now liable to pay them; and, in future, the State shall not be chargeable with any costs in criminal prosecutions.

The several counties to pay the costs of state prosecutions.

1809.

How claims
for costs shall
be authenti-
cated & paid.

III. *And be it further enacted,* That all claims for costs and charges, arising hereafter out of criminal prosecutions, shall be authenticated in the same manner as is now by law required, and when so authenticated, shall be paid by the Trustees of the respective Counties in which they may be due.

Clerks to
make a return
of fines, &c.
on oath.

IV. *And be it further enacted,* That the Clerks of the Superior Courts shall make, a return, at the first Court which shall happen after the first day of January in each year, of all tax fees, forfeitures, fines and amercements by them received, on oath, in open Court, which shall contain, as well the names of all persons who shall have paid fees, as of all those who have, in the preceding year, been fined, amerced or judged to have forfeited their recognizance, and from whom the monies have been collected,

And the am't
to be trans-
mitted to the
county trustee

either in whole or in part; stating the precise sum required from each, which sum, when made out, sworn to and subscribed, shall be transmitted to the Trustee of the County of which he is Clerk, within ten days after the rise of the Court, under the penalty of five hundred pounds, to be recovered in the name of the County Trustee, for the use of the County; and he shall also, under like penalty, within the period aforesaid, deliver to the County Trustee a complete list or return of the names of all persons fined, amerced or adjudged to have forfeited their recognizance, during the preceding year, and the particular sums which they have been fined, amerced or adjudged to have forfeited, as well those who have paid in full or in part, agreeably to the return before required, as those who have not paid any thing—which list or return shall be made out and presented to the Court at the same time with the return above mentioned, and shall be sworn to and subscribed in like manner, and shall be kept by the Trustee, as a check on the return which may thereafter be made.

Clerk to deli-
ver to the
county trustee
a list of all
persons fined,
&c.

On the 1st of
Jan. annually,
the clerks to
pay the money
in their hands
to the county
trustee.

V. *And be it further enacted,* That the said Clerks shall, on the first day of January in each year, pay to the County Trustees, the money which they may receive or owe, in virtue of this act; and if any Clerk shall fail or neglect to comply with this requisition, it shall be the duty of the County Trustee to enter up judgment at the next Court for his County, *instantly*, against such Clerk and his securities, or against the Clerk alone, as he may see proper, first giving ten days previous notice.

Former acts
repealed.

VI. *And be it further enacted,* That all laws, which come within the meaning of this act, are hereby repealed.

CHAP. XII.

An Act to prevent the circulation of small Promissory Notes or Due-Bills.

Preamble.

WHEREAS the circulation of Promissory Notes, or Due-Bills, by individuals for small sums, has become so general in some parts of the State, as to be very inconvenient and injurious to travellers and others:

Penalty on
issuing due-
bills in future.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That any person or persons, or body corporate, who shall, in future, make or issue any Promissory Notes, commonly called Due-Bills, for a less sum than ten shillings, intended to pass current, as a representative of, or a substitute for money, shall be liable to an action, in the name of the bearer, for recovery thereof, in any of the County or Superior Courts in this State, which Courts shall have cognizance and jurisdiction of the same, and who may render judgment against such person or corporation, to maintain which action it shall not be necessary for the plaintiff to prove that such Note or Due-Bill was ever presented, or payment demanded, any words in the said Note or Due-Bill to the contrary notwithstanding.

Penalty for of-
fering due-
bills after the
1st of May.

II. *And be it further enacted,* That from and after the first day of May next, no person shall offer, in payment of any debt, or in exchange of any money or other thing, any such Note or Due-Bill, which is already issued, or may hereafter issue, unless to the person or corporation having issued the same, under the penalty of five pounds for each offence, to be recovered before any Justice of the Peace, to the use of the person suing for the same: *Provided,* That nothing in this act shall affect the Bills or Notes already issued for the benefit of any Seminary of Learning.

An exception.

Stat. lim. not
to be plead.

III. *And be it further enacted,* That the statute of limitation shall not run, nor be pleaded in bar of the recovery of such Note or Due-Bill already issued as aforesaid, or which may be issued.

CHAP. XIII.

An Act to prevent Frauds committed against the State, and to make subsequent Entries on Lands valid in certain cases.

The first en-
terer failing to
pay, a subse-
quent enterer
may pay the
purchase-mo-
ney and have
the grant.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That whenever any Entry of Land shall hereafter be made in any Entry-Taker's office in this State, and the enterer shall fail to pay the purchase money for the same, within the time limited by law, it shall and may be lawful for any person, who may have made a subsequent entry for the said Land, to pay the purchase money into the Treasury and have a grant perfected, in the same manner as the original enterer would have done, had he not failed to pay the same; any law to the contrary notwithstanding.

CHAP. XIV.

An Act to amend an act passed in the year 1807, entitled "An act to annex part of the county of Burke to the county of Rutherford."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a line shall extend from the White Oak mentioned in the above recited act, on the old east and west line, to a stake; thence crossing Little Rock Creek, to the south side of the tract whereon Widow Smith lives; thence crossing Big Rock Creek, to the north side of Moses Black's buildings; thence to a place called the Dye-Stone; thence to the north side of Levi Trout's buildings; thence between the plantations of Perminter Morgan and Henry Carter, to the south side of the tract of William Morris, senior; thence with a spur of the mountain, to the dividing ridge between Crooked Creek and Montford's Cove Creek, to the Hickory-Nut Mountain; thence along the ridge to the Round Mountain; thence due west to the Buncombe line; and all that part lying northwardly of said line, be, and the same is hereby declared to be in the County of Burke, and the part southwardly thereof shall continue, as heretofore, within the County of Rutherford, any law to the contrary notwithstanding.

The line between the counties of Burke and Rutherford.

II. *And be it further enacted,* That when it may deemed expedient to have any part of the line above described run and marked, the County Court of either County may order the Surveyors of both Counties to run and mark the same; which order it shall be the duty of the said Surveyors to obey; for which they shall be paid by their own Counties respectively, by order of the County Court.

County court of either county may order the surveyors to run & mark the said line.

III. *And be it further enacted,* That all acts and clauses of acts, coming within the meaning and purview of this act, be, and the same is declared repealed and made void.

Former acts repealed.

CHAP. XV.

An Act directing how persons injured by erection of Public Mills shall in future proceed to recover damages.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future any person or persons who may conceive him, her or themselves injured by the erection of any Public Mill now built, or which shall be hereafter built, and be desirous of recovering damages from the owner or proprietor of such Mill, shall apply by petition to the Court of Pleas and Quarter Sessions of the County in which the land to which damage is done is situate, setting forth in such petition, in what respect he, she, or they is or are injured by the erection of said Mill, having first given the owner or owners of said Mill ten days previous notice of such application to said Court; and it shall be the duty of the Court, on such application, to order a writ to be issued to the Sheriff of their county, commanding him to summon a Jury of Freeholders unconnected with the parties by consanguinity or affinity, and entirely disinterested, no one of whom shall be the owner or part owner of any Public Mill, to meet on the premises on a certain day, of which he shall give each party five days previous notice; and it shall be the duty of the Jury summoned to appear on the day and at the place appointed, after having taken an oath (which the Sheriff or his deputy is hereby authorized to administer) that they will well and truly enquire whether any damage hath been sustained by the petitioner by reason of the erection of the Mill complained of, and if, in their opinion, any hath been sustained, that they will, impartially, according to the best of their judgment and ability, assess the amount which said petitioner ought annually to receive from the owner or proprietor of said Mill on account thereof—they shall proceed to view and examine the premises, and to hear all the evidence which may be produced on both sides, they shall retire to themselves and make up their verdict, as to the sum which the petitioner is entitled to receive as an annual compensation for the damage he sustains by reason of the erection of the Mill complained of, reduce the same to writing, sign their names thereto, and deliver to the Sheriff, sealed up, to be delivered to the Court from whence the writ issued, at the next ensuing Term; which verdict shall be binding between the parties for the term of five years, unless the damages should be increased by raising the water or otherwise, if said Mills are kept up, from the filing of the petition, unless appealed from by either of them.

Persons aggrieved shall apply by petition to the county court.

A jury to be summoned to assess the damages to be paid annually.

Their verdict to be binding for 5 years, unless the damages be increased.

II. *And be it further enacted,* That if the verdict of the Jury shall be, that the petitioner hath sustained no damage, then he shall pay all the costs of his petition, and execution shall be issued therefor by the Clerk of the Court; but if in favour of the petitioner, shall be issued by the Clerk against the defendant or defendants, for the amount of one year's damage preceding the filing of the petition, and for all costs; and if the defendant do not annually pay up the petitioner, his heirs or assigns, before it shall fall due, the sum assessed by said verdict, as the damage to be paid annually, such petitioner, his heirs or assigns, shall be at liberty, annually, during the five years, to apply

If the petitioner received no damage, he shall pay cost.

If defendant fail to pay the damages assessed, the remedy.

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to the Clerk for an execution against him, at the same Term that the petition was filed, in each and every year, for the amount of the last year's damage, or any part thereof which may remain unpaid.

Sheriff & jurors pay.

III. *And be it further enacted*, That the Sheriff, for summoning each Juror or Witness, shall be entitled to two shillings, that each Juror shall be entitled to the sum of eight shillings per day for attending on the premises, and four pence per mile for every mile they shall travel to and from the place of trial, an account of which they shall render on oath to the Sheriff after making up their verdict, to be returned therewith to Court, and the Clerk shall receive the same fees as in other cases of petitions where no copy is issued.

Appeals still to be allowed.

IV. *And be it further enacted*, That nothing in this act contained shall be construed to prevent either party from appealing from the judgment of the Court on the verdict returned as aforesaid, on giving bond and security, as in other cases of appeals; but if the plaintiff shall appeal and fail to recover higher damages in the Superior Court than were awarded by the Jury on the premises, he shall pay all the costs of his appeal.

If the yearly damage be 10l the injured may sue as heretofore.

V. *And be it further enacted*, That in all cases where the Jury shall assess the yearly damage as high as the sum of ten pounds, nothing contained in this act shall be so construed as to prevent the person thus injured, their heirs or assigns, from suing, as has heretofore been usual in such cases; and in such cases, the verdict and judgment of the Jury on the premises, shall only be binding for the year's damage preceding the filing of the petition.

Former acts repealed.

VI. *And be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XVI.

An Act to prevent speculations in obtaining Lands which may hereafter accrue to this State, by purchase from the Indians.

Preamble.

WHEREAS, from the several acts of Assembly establishing a boundary between this State and the Cherokee Indians, and the several Treaties between the said Indians and the United States, and the several lines run pursuant thereto, it is rendered doubtful where the present boundary extends, and whether the penalties for entering or surveying lands beyond the same, are in full force: And whereas Speculators, regardless of the friendship and good faith which ought to be supported with the said Indians, are making entries on their lands; and it is suspected a great speculation is on foot to appropriate most of the valuable lands of the said Indians which lie within this State, so soon as their title shall have been extinguished by Treaty, and thereby deprive the honest citizens, who regard the laws of their country, from appropriating lands when permitted by law, without much litigation and expence:

Certain lands not to be subject to entry, but to enure to the state.

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the land lying west of the line run by Meigs and Freeman, within the bounds of this State, shall not be subject to be entered under the entry laws of this State; but that the same, when the Indian title shall be extinct, shall remain and enure to the sole use and benefit of the State; any law to the contrary notwithstanding.

Entries or grants of this land to be void.

II. *And be it further enacted*, That all entries made, or grants obtained, or which may hereafter be made or obtained, shall be null and void.

When this land is purchased, a person is to be appointed to view and value it.

III. *And be it further enacted*, That his Excellency the Governor be, and he is hereby requested, as soon as he shall receive information that the purchase of said land is made by Treaty, to appoint some one person to go and view the tract of country so purchased, and to make a report of the value of said lands, and for which the Governor may allow him such compensation as may by him be deemed adequate, and to be paid by the Treasurer, on a warrant presented to him for that purpose.

CHAP. XVII.

An Act to recognize the Currency of the United States.

Currency of the U. States recognized.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter, the currency of the United States shall be recognized as the lawful currency of this State: And it shall and may be lawful for the records, and all other papers and proceedings in this State, to be kept in dollars and cents: *Provided*, that nothing herein expressed, shall operate to prevent any records, papers or proceedings, from being kept in the former currency of this State.

CHAP. XVIII.

1809.

An Act to continue in force the acts heretofore passed, ceding to the United States of America certain Lands in Smithville.

WHEREAS the time limited in the aforesaid acts for erecting fortifications in Smithville has expired,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the ground left out of the plan of Smithville by the commissioners, for the use of a fort and the erection of fortifications, agreeably to the act establishing said town, be, and the same is hereby ceded to the United States of America, with the exclusive jurisdiction thereof: *Provided,* that so much of the said ground as the commanding officer stationed by the United States at Smithville shall deem necessary to be kept free from intrusion, shall be inclosed within six months, and the fort and works deemed by the National Government necessary and proper, be completed within seven years, from the 31st of December, 1809, and from thence be afterwards kept in such repair and order for the public defence, as to answer the purpose for which it was ceded: *And provided always,* that on failure of the National Government to keep the said fort and works in such order and repair for two years, the said ground shall revert to this State.

A certain piece of land ceded to the United States.

II. *And be it further enacted,* That nothing herein contained shall be construed so as to prevent any officer of this State from serving process or levying executions and carrying them into full effect, agreeably to the laws of this State, within the limits hereby ceded, in the same manner as though this cession had never been made.

State officers to be allowed to serve State process, &c.

CHAP. XIX.

An Act to amend the third clause of the sixteenth Chapter of the Acts of the Assembly of 1790.

WHEREAS it is provided by the clause above mentioned, that the Justices of the Peace of this State, who shall be in court or on the bench at the time of the qualification of their Sheriffs, Clerks, Entry-takers and Registers, and shall fail to take bonds of such their officers as is required by law, shall, in their own proper persons and estates, be held and deemed the securities of such officers, and be considered bound as though they had actually signed bonds with them: And whereas it hath so happened that sheriffs and others, being elected by the court, have been permitted to take on themselves the discharge of the duties of their appointments respectively, without either qualifying or giving bond, to the detriment of the revenue of the State and to the injury of the inhabitants of their respective counties and others: For remedy whereof,

Preamble.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That should it at any time hereafter so happen, that any of the officers above named shall be permitted to officiate as such, and to discharge any of the duties of their respective appointments, without having first qualified and given bond with security for the due and faithful performance of them as is required by law, the Justices of the Peace who sat on the Bench or were in Court at the time of the appointment of the Officer or Officers so officiating and acting as aforesaid in virtue and under colour of his appointment, but without qualifying or giving bond, shall be considered bound to all intents and purposes, and they and every of them are hereby declared to be bound as the securities of the Sheriff or other Officer or Officers thus acting and availing himself of such his appointment without having first given bond for the faithful performance of his duty in office, in the same degree, and in the same manner, as though they had been formally bound by entering into and executing bonds with and as the securities of such Officers; and they shall and may be proceeded against as is already provided by the act first above referred to.

Justices to be answerable where sheriffs, &c. officiate without qualifying, &c.

II. *And be it further enacted,* That all laws and clauses of laws, which come within the purview and meaning of this act, be, and the same are hereby repealed and made void.

Former laws repealed.

CHAP. XX.

An Act to amend an Act, passed in 1796, entitled "An Act to secure property to Religious Societies or Congregations, of every denomination."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Trustees now acting, or who may hereafter act, under the authority of a law, passed in 1796, entitled "An Act to secure property to Religious Societies or Congregations, of every denomination," shall be enabled to sue and be sued, plead and be impleaded, in any court of record whatever, in all cases of tort or contract, of and concerning the property, either real or personal, about which they are Trustees; also, in all matters of contract which may be cognizable before a Justice of the Peace, for the purposes aforesaid.

Trustees may sue and be sued.

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CHAP. XXI.

An Act to protect the decency of Divine Worship.

Penalty on
stud horses,
&c. being
brought to
places of pub-
lic worship.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, no person within this State shall bring to any place where a congregation are assembled for divine worship, or within three hundred yards thereof, any stud-horse or jack-ass which may be liable to the payment of taxes, under the penalty of three pounds, to be recovered by way of a warrant, in the name of the State, before any Justice of the Peace in the county in which such offence may be committed, to be applied to the use of the poor in said county. *Provided nevertheless,* that nothing herein contained shall be so construed as to prevent any person or persons from removing his or their stud-horse or stud-horses from one stand to another, so that he or they do not stop his or their stud-horse or stud-horses within three hundred yards of the aforesaid place of divine worship.

Penalty for
selling spirit-
uous liquors
and stores
excepted
at any place
of worship.

II. And be it further enacted, That all persons who shall hereafter be convicted of selling spirituous liquors, or articles of merchandize, within one mile (licensed taverns and stores excepted) of any place, on any day of divine worship, shall be subject to the above penalty, to be recovered and applied in manner and form aforesaid.

Right of ap-
peal.

III. And be it further enacted, That nothing herein contained shall prevent the right of appeal on the part of the State, or of the person or persons prosecuted, to the Court of Pleas and Quarter Sessions of the county in which the aforesaid offence or offences may be committed.

Appeals to be
entered on
state docket.

IV. And be it further enacted, That it shall be the duty of the Clerk of said court to enter the said appeal on the State docket, and of the prosecuting officer of the county to prosecute the same to effect; and that they shall be entitled to the same fees as are now allowed by law in State prosecutions; any law, usage or custom to the contrary notwithstanding.

CHAP. XXII.

An Act to amend an act passed at Raleigh in 1808, entitled 'An act erecting the west part of Buncombe into a separate and distinct County; and also a part of Brunswick and a part of Bladen Counties into a separate and distinct County.'

6th section
of former act
repealed.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the sixth section of the above recited act as appoints Thomas Lenoir a Commissioner for the purpose of erecting the Public Buildings, be and the same is hereby repealed; and that in addition to the other two Commissioners named in said sixth section, Capt. William Cathey, John Fargus, Philip T. Barford, Mitchell Davidson, and Joseph Turner are hereby appointed, with the same powers and subject to the same restrictions as if they had been originally appointed to act with Felix Walker and John M'Farland, Esquires, as Commissioners for the purposes pointed out in said sixth section of the above recited act.

Mode of sup-
plying vacan-
cies.

II. And be it further enacted, That in case of the death, inability or refusal to act of any of the aforesaid Commissioners, then and in that case, it shall be the duty of the County Court of Haywood, a majority of the acting Justices being present, to appoint another Commissioner or Commissioners to act in the place of those who may so refuse; and said Commissioners, when so appointed, are hereby declared to be vested with the same powers and subject to the same restrictions as if they had been appointed by this act.

CHAP. XXIII.

An Act to annex part of Bladen to the County of Columbus.

The boundary
line between
Bladen and
Columbus.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the boundary-line between the Counties of Bladen and Columbus, shall begin in the Brunswick line, two miles to the east of the Waggamaw Lake, and run thence a direct line to Slade Swamp, so as to include Henry Swindle's plantation, thence down Slade Swamp to the Brown-Marsh Swamp, thence down the same to the Western Prong, thence up the same to the mouth of Green's Mill Branch, then up the said Branch to the head, and then a direct line to the mouth of the Horse-pen Branch at the Big Swamp, thence down the Big Swamp and Drowning Creek to the Columbus line. And the boundary as herein mentioned and described, shall be the dividing-line between the said Counties of Bladen and Columbus.

Commission-
ers for ex-
tending the
line.

II. And be it further enacted, That Isaac Powell and John Wingate, of Columbus County, and Michael Clariday and David Loyd, of Bladen County, are hereby appointed Commissioners to extend and mark the line as heretofore described. And the said Commissioners may employ two Surveyors for the purpose of running and ascer-

taining said line, who shall be paid a reasonable price for their several services, to be allowed by their respective County Courts, when the work is done.

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III. *And be it further enacted*, That should either of the Commissioners die, refuse to act, or remove, then and in that case, the County Court of the Commissioner or Commissioners who may die, refuse to act, or remove, may appoint their Commissioners in their stead, who are hereby invested with the same powers as those by this act appointed.

Mode of supplying vacancies.

IV. *And be it further enacted*, That all the Justices of the Peace living within the bounds as hereby annexed to the County of Columbus, shall exercise the same authorities as they have heretofore done in the County of Bladen, any law to the contrary notwithstanding.

Justices in Columbus to continue in office.

CHAP. XXIV.

An Act to annex Smith's Island, at the mouth of Cape Fear River, to Brunswick County, and part of Eagle's Island to the County of New-Hanover.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Smith's Island be, and the same is hereby taken from the County of New Hanover, and added to the County of Brunswick. any law, usage or custom to the contrary notwithstanding.

Smith's island added to Brunswick.

II. *And be it further enacted*, That all that part of Eagle's Island, on the east side thereof, as conveyed and described in deeds recorded in the Register's Office of New-Hanover County, from John Watson to Michael Higgins and Caleb Grainger, including the ground up to the thoroughfare as mentioned therein, running down to the entrance thereof into the North-East River, and down the same to the beginning, described in said deed to Higgins, or so far as the wharves, for the purpose of carrying on commerce, opposite the town of Wilmington, now are, or hereafter may be erected, and running back with the lines designated in said deeds from Watson to Higgins and Grainger, being fourteen hundred and eighty-five feet, or thereabouts, back from the river, shall be, and the same is hereby taken from the County of Brunswick, and annexed to the County of New-Hanover.

And part of Eagle's island to N. Hanover.

III. *And be it further enacted by the authority aforesaid*, That Benjamin Smith, Samuel Hall and Jacob Leonard, of Brunswick County, and Hinton James, Hanson Kelly and James W. Walker, of New-Hanover County, be, and they are hereby appointed Commissioners to superintend the running said division lines between the two Counties, which they are hereby authorized and required to do in manner herein mentioned, and to have the same plainly marked, within twelve months from the passage of this act. And for the complete accomplishment of the same, they are empowered to employ one surveyor, one chain-carrier, and one marker, on behalf of each County, and to allow them a reasonable compensation for their trouble, which shall be paid equally out of the taxes of the respective Counties by the Sheriffs thereof, on the certificates of the said Commissioners; the acts or doings of a majority of whom shall be good and sufficient in the premises.

Commissioners for running the lines.

CHAP. XXV.

An Act to amend and enforce the laws heretofore passed on the subject of improving the Navigation of the different Rivers, Creeks and Streams in this State, in certain cases.

WHEREAS it has been represented to this General Assembly, that the several laws heretofore passed on the subject of improving the Navigation of the different Rivers and Streams in this State, where the execution of them depends upon the county courts, have been, in many instances, rendered ineffectual, by the omission of the courts to exercise the authority vested in them: For remedy whereof,

Preamble.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, it shall be the duty of the County Solicitor for each and every county, through any part, or on the borders of which any stream may pass, to inform himself of the laws, whether private or public, made for the improving the navigation of such stream or streams; and where the power of carrying said laws into effect is vested in the county courts, to apply to the Court of which he is Solicitor, at the first term thereof which shall be held for the annual election of Sheriff, to make the necessary orders and appointments for effecting the object of such law or laws. And if such court shall fail or refuse to make such orders and appointments, it shall be the duty of such Solicitor to make a record upon the State docket of his application, and appeal thereon to the next Superior Court of Law to be held for such county, when it shall be the duty of the Solicitor of the Superior

County solicitors to see that the laws for improving navigation be carried into effect.

If the county court fail or refuse to act, the superior court to be appealed to.

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Court, or person acting as such, to apply to the Judge of the Superior Court, to make such orders and appointments as may be necessary for carrying such laws into effect. And to enable the Judge to obtain such information as he may need to govern him in making such orders and appointments, he is hereby empowered to call upon the Clerk, Sheriff, Grand Jurors, Petit Jurors, or any other persons who may be attending the Court, for any information which it may be in their power to give, touching the subject; and to make all such orders and appointments as by the laws the County Court may be empowered to make; which orders, when made, shall be, in all respects, as obligatory as though they had been made by the County Court.

Solicitors
fees.

II. *And be it further enacted*, That the County and Superior Court Solicitors, shall respectively be entitled to the same fees for any application either of them may make under this law, as they are now allowed for prosecuting any indictments in said courts; to be paid out of the monies collected for county uses in the county where such application is made.

Duty of the
clerk of the
court.

III. *And be it further enacted*, That it shall be the duty of the Clerk of the Court in which any order for the appointment of Overseers, or allotment of hands shall be made, for the purpose of working on any stream within ten days after the close of the Court at which such orders were made, to issue to the Overseer so appointed his orders, expressing therein the name of the stream, the distance he is to work thereon, and the hands appointed to work under him, and deliver the same to the Sheriff, whose duty it is hereby declared to be to deliver them to the Overseer in ten days after he shall receive them from the Clerk.

CHAP. XXVI.

An Act to amend the first section of an act passed at Fayetteville, in the year one thousand seven hundred and ninety, entitled 'An act to restrain all Married Persons from marrying again whilst their former Wives or former Husbands are living.'

Offenders to
be adjudged
felons.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any person now married, or who hereafter shall be married, doth take to him or herself another husband or wife, while his or her former wife or husband is still living, every such offender shall be adjudged a felon, without benefit of clergy, and shall suffer death.

CHAP. XXVII.

An Act to alter so much of the 29th section of an act passed in the year 1741, as requires the publication of Runaway Negroes at certain places.

Negroes not
to be adver-
tised at places
of divine wor-
ship.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the above recited act, which requires Sheriffs to give information at each place of Divine Worship within his county of all Runaways who may be committed to the said Sheriff, be, and the same is hereby repealed and made void.

CHAP. XXVIII.

An Act to revive and continue in force, an act passed at Raleigh, in the year 1795, entitled "An act giving further time for the probate and registration of certain Deeds issued from Lord Granville's Office."

Preamble.

WHEREAS many of the good people of this State have not availed themselves of the provisions of the said act; and whereas it would be but just and right that the persons holding land under such deeds should have the privilege of perpetuating the same:

Continued in
force for two
years longer.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said recited act shall be and continue in full force and operation for two years hereafter, any thing in the law to the contrary notwithstanding.

*Read three times, and ratified in General Assembly,
the 19th day of December, 1809.*

JOSEPH RIDDICK, S. S.

THOMAS DAVIS, Speaker of the House of Commons.

Copied,
WILLIAM WHITE, Secretary.

CHAP. XXIX.

1842

An Act for establishing a Manufacturing Company in the County of Bertie.

WHEREAS the unjust and oppressive conduct of the Nations of Europe towards the commerce of the United States, renders it peculiarly the duty of the Legislature at this time, to promote and encourage the efforts of the citizens to produce among ourselves a supply of those articles of manufacture for which we now depend upon foreign nations: And it is represented to this General Assembly that the people of the county of Bertie are desirous to make trial of the practicability of establishing and conducting to advantage several species of manufactures within the said county:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That books shall be opened at Windsor, in the county of Bertie, on the fifteenth day of May next, under the superintendence of David Stone, Richard Poindexter, Jonathan Jacocks, Whitmell H. Pugh, William W. Johnston, William Sparkman, Aaron Spivey, George Outlaw, Stark Armistead, Josiah Holley and Joseph H. Bryan, and at such other places within the said county as the said persons shall direct, for the purpose of receiving subscriptions towards constituting a stock for conducting Manufacturing Establishments in said county; that the subscriptions shall be made in shares of twenty-five dollars each, and the whole stock shall not exceed sixteen hundred of the said shares; that as soon as five thousand dollars shall be subscribed, the subscribers to the said stock, their successors and assigns, shall be, and are hereby created a corporation, or body politic, by the name and style of *The Manufacturing Company of the county of Bertie*, and by that name shall be, and are hereby made able and capable in law, to purchase and hold, to them and their successors, lands, rents, goods and effects, of what nature or quality soever, and the same to sell or dispose of, to sue and be sued, implead and be impleaded, in courts of record or elsewhere, to have and use a common seal, and the same to alter at their pleasure; and also to establish and execute such by-laws and regulations, not inconsistent with the laws and constitution of this State or of the United States, as shall seem necessary and convenient for the government of the said corporation, and for promoting the objects of its establishment.

II. *And be it further enacted,* That the subscriptions to said stock shall be paid in five equal parts, as follows, that is to say, five dollars on each share at the time of subscribing, and the residue in sums of five dollars on each share, at the distance of three calendar months from each payment.

III. *And be it further enacted,* That for the well ordering and conducting the affairs of the said corporation, there shall be eight Directors, residents of the said town and county, to be chosen by the stockholders or proprietors of the capital stock of the said corporation, on the first Monday in January in every year, by plurality of the votes actually given: And those who shall be duly chosen at any election, shall be capable of serving as Directors until the first Monday of January next ensuing the time of such election. And the said Directors, at their first meeting after such election, shall chuse one of their number as President.

IV. *And be it further enacted,* That as soon as three thousand dollars shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given by the persons under whose superintendence the same shall have been made, by advertising the same in at least six public places in the said town of Windsor, and county of Bertie, and notice shall, in like manner and at the same time, be given by the said persons, of a time and place within the said town, at the distance of twenty days from the time of such notification, for proceeding to the election of Directors, and it shall be lawful for such election to be then and there made, and the persons chosen at such election shall be the first Directors, and shall be capable of serving, by virtue of such choice, until the first Monday in January next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said company within the said county of Bertie.

V. *And be it further enacted,* That in case it shall at any time happen, that an election of Directors shall not be made upon the day when by this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful at any other day, to hold and make an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation. And it is further provided, that in case of the death, resignation, permanent residence out of the county, or removal by the stockholders of a Director, his place may be filled up by a new choice, to be made by the other Directors, for the remainder of the year for which he shall have been elected.

VI. *And be it further enacted,* That the Directors for the time being shall have full power to appoint and employ such treasurer, clerks, servants and labourers, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed and determined by the laws and regulations of the same.

VII. *And be it further enacted,* That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation, viz. the number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, that is to say, one vote for each share. Stockholders may vote by proxy, the proxy being a stockholder. None but a stockholder shall be eligible as a Director. No Director shall be entitled to any emolument for his services as a Director. The stockholders may allow a salary or compensation to the President. Not less than five Directors shall constitute a board for the transaction of business, of whom the President shall always be one, unless in the case of sickness or necessary absence, in which case his place may be supplied by any other Director, whom he, by writing under his hand, shall nominate for the purpose. A number of stockholders, not less than ten, who shall together be proprietors of not less than fifty shares, shall have power, at any time, to call a general meeting of the stockholders for purposes relative to the institution, giving at least ten days notice by public advertisement in the county of Bertie, and specifying in such notice the object or objects of such meeting. The stock of said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf by the laws and regulations of the same. Debts due by the said corporation, and evidenced by bills or notes signed by the President and countersigned by the Treasurer, though not under the seal of the corporation, shall be binding and obligatory upon the same. Yearly, or more frequent dividends, shall be made of the profits derived from the employment of the said stock, as shall appear to the Directors advisable. If there shall be a

1809 failure in the payment of any part of any sum subscribed by any person, copartnership or body politic, the party failing shall entirely lose the benefit of any dividend which may have been declared after such failure, and prior to the time of making such payment.

CHAP. XXX.

An Act to authorise the North-Carolina Catawba Company to raise, by way of lottery, a sum not exceeding Five Thousand Dollars, to complete the navigation of the Catawba River.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the North-Carolina Catawba Company be, and they are hereby vested with full power and authority to raise a sum, not exceeding five thousand dollars, by one or more lottery or lotteries, by such scheme or schemes as the commissioners hereinafter appointed may think proper to devise, for the purpose of completing the navigation of the Catawba River, agreeable to their charter.

II. *And be it further enacted,* That Joseph Graham, Peter Forney, James Conner, William Davidson and Joseph M'Knitt Alexander, be, and they are hereby appointed commissioners of said lottery or lotteries, and the monies so raised they shall fully and faithfully account for, and pay to the Treasurer of the said North-Carolina Catawba Company, whose duty it shall be to receive and account for the same, in the same manner that he does for all other monies belonging to said company, and also to pay to every fortunate adventurer in said lottery or lotteries, the prizes which he, she or they shall draw therein, on demand, subject however to such reductions and restrictions, as the said commissioners shall make known in the publication of the scheme or schemes of said lottery or lotteries.

CHAP. XXXI.

An Act to authorise the Deep and Haw River Navigation Company to raise, by way of lottery, a sum not exceeding Ten Thousand Dollars, to complete the navigation of Cape Fear River.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the President and Directors of the Deep and Haw River Navigation Company, and their successors in office, or a majority of them, be, and they are hereby authorised and empowered to raise, by way of lottery, a sum not exceeding ten thousand dollars, for the purpose of completing the navigation of Cape Fear River, agreeable to their charter; and the money so raised, shall be paid into the hands of the Treasurer, whose duty it shall be to receive and account for the same, in the same manner that he does, all other monies belonging to said company.

II. *And be it further enacted,* That it shall be the duty of the President and Directors of said company, to use all ways and means in their power to complete the drawing of said lottery, by the first day of May next; and they shall be under the same rules and regulations and restrictions in the performance of their duty, as they are subject to in other cases relative to the business of said company; any law or usage to the contrary notwithstanding.

CHAP. XXXII.

An Act to facilitate and open the Navigation of Lumber River, from M'Farland's Turnpike to the South-Carolina Line.

WHEREAS Drowning Creek abounds with valuable timber, and the current contains a sufficiency of water to navigate boats or rafts upwards of one hundred miles; and as it is highly necessary that inland navigation should be encouraged:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the said creek, between the aforesaid places, shall be called and known by the name of *Lumber River*; and that William Ashly, Jesse Lee, Jacob Rhodes and William M'Niel, for Robeson county, Duncan M'Farland and Angus Gilchrist, for Richmond county, Winn Nance and Ebenezer Ellis, for Columbus county, are hereby declared to be a body corporate, by the name of the *Lumber River Navigation Company*, and by that name shall be capable to sue and be sued, plead and be impleaded, before any jurisdiction within this State having cognizance thereof; and they may elect and appoint all officers necessary, and from time to time make such rules, regulations and by-laws, for the management and conducting the said navigation, as they may deem expedient: *Provided, however,* That such shall not be repugnant to or inconsistent with the laws and constitution of this State or of the United States.

II. *And be it further enacted,* That from and after the passing of this act, the aforesaid Lumber River Navigation Company are hereby vested with full power and authority to raise any sum not exceeding two thousand dollars, to be applied for the purpose of opening the navigation of said River, between the aforesaid mentioned places, by one or more lottery or lotteries, by such scheme or schemes as the aforesaid Commissioners or a majority of them may think proper to devise.

III. *And be it further enacted,* That no person or persons shall hereafter fall any trees across or roll any log into the aforesaid River, or otherwise obstruct the said navigation, under the penalty of paying for each and every such offence the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, one half to the person suing for the same, the other half to be applied for the purpose of improving the navigation of the said River.

IV. *And be it further enacted,* That as soon as the aforesaid Lumber River is cleared and made navigable, it shall become a public highway, and the county courts of Robeson, Columbus and Richmond shall appoint such number of hands and overseers as they may deem necessary to work thereon, to keep the aforesaid River clear and navigable.

V. *And be it further enacted,* That in case of death, refusal to act or removal of any of the aforesaid Commissioners appointed by this act, the remaining Commissioners are hereby fully authorised to appoint others to supply such vacancy, who are hereby vested with the same powers as those by this act appointed.

VI. *And be it further enacted,* That the aforesaid Lumber River Navigation Company, or a majority of them shall, before they sell or cause to be sold any tickets by virtue of the authority hereby granted, give bond with two sufficient freeholders security payable to the Governor for the time being and his successors, which bond shall be void on condition that the said Commissioners shall well and truly perform

the trust hereby reposed in them; that is to say, that the said lottery or lotteries shall be conducted fairly¹⁸⁰⁹ and according to the scheme or schemes which they, or a majority of them, shall adopt, and to pay to every fortunate adventurer in said lottery or lotteries, the prize which he, she or they shall draw therein, subject however, to such reductions and restrictions as the said Commissioners shall make known in the publication of the scheme or schemes of said lottery or lotteries.

VII. *And be it further enacted*, That the said bond shall be filed with the Clerk of the superior court of Robeson county, who shall keep the same as a part of the records of said court, and any person thereby aggrieved may, without assignment, bring suit on said bond in the name of the Governor, and recover damages accordingly.

VIII. *And be it further enacted*, That when the said Company shall have completed the navigation aforesaid, they shall render a correct statement of the money expended to the clerk of Robeson county court, and he shall file the same in his office and keep the same as a part of the records of said court.

IX. *And be it further enacted*, That if any person shall be sued for any thing done in pursuance of this act, he may plead the general issue, and give this act and the special matter in evidence, and in a verdict against the plaintiff, non-suit or discontinuance, recover costs of suit; any law, custom or usage to the contrary notwithstanding.

CHAP. XXXIII.

An Act to amend an Act to establish two Turnpike Roads in the Western parts of this State.

WHEREAS many persons avoid paying toll by going round or breaking through the gates established on the road leading from Wilkesborough to the three forks of New-River, and from thence across the Stone Mountain, or the top thereof: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That if any person or persons, at any time, should forceably make through or go round the said Turnpike to avoid payment of toll or tolls as allowed by law, they shall forfeit and pay the sum of forty shillings, to be recovered before any Justice of the Peace of the county in which such offence may be committed, to the use of the said owner or owners.

II. *And be it further enacted*, That if any person or persons should fall any timber or put any obstructions in said road, or cut any paths or ways round the Turnpike aforesaid leading into the same, so as to damage the said undertaker or undertakers, and defeat them of their said toll or tolls, shall forfeit and pay for each and every such offence the sum of five pounds, recoverable before any Justice of the Peace as aforesaid, and applied as above mentioned.

III. *And be it further enacted*, That whenever either of the commissioners appointed by the above recited act shall resign, be removed, or refuse to act, or become interested in tolls to be collected; then and in that case, the county court of Wilkes shall appoint some proper person living near where the said Turnpike Road runs, and when appointed shall have the same power and authority as the commissioners appointed by the above recited act.

IV. *And be it further enacted*, That when the said commissioners shall deem it necessary to alter or change any part of said Road for the ease and convenience of travellers, they are hereby authorised and empowered to do the same by consent of the undertaker.

V. *And be it further enacted*, That all that part of the above recited act which establishes a Turnpike Road leading from the town of Jefferson, in the county of Ashe, to Roan's Creek Iron Works, is hereby repealed and made void.

VI. *And be it further enacted*, That so much of the above recited act as directs the said undertaker to build his toll-gate between Cove Creek and the Tennessee line, be and the same is hereby repealed and made void.

VII. *And be it further enacted*, That in future the said undertaker shall be at liberty to build his toll-gate on any part of the road he is bound to keep open: *Provided nevertheless*, That nothing contained in this act shall authorise the said undertaker to ask or demand any toll from any of the inhabitants of Wilkes or Ashe, in travelling to or from the counties of Ashe or Wilkes, any law, usage or custom to the contrary notwithstanding.

CHAP. XXXIV.

An Act to appoint Commissioners to open a Road, by turnpike or otherwise, from the Crab Orchard, on the east fork of Pigeon River, in Haywood County, towards Augusta.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Diver, Andrew Welch and Mitchell Davidson, of Haywood county, be, and they are hereby appointed commissioners, or a majority of them, with full power and authority to lay off, mark, and cause to be opened, a road from the Crab Orchard, on the east fork of Pigeon River, in the said county, in a southwardly direction towards Augusta, the most eligible way, so far as to intersect a road opened by Major Benson, of South-Carolina, at the top of the Blue Ridge.

II. *And be it further enacted*, That the said commissioners, or a majority of them, shall have full power and authority to contract for the opening of the said road and keeping the same in good repair, by allowing the person or persons undertaking the same, such reasonable sum as may be raised by subscription; and if a sufficient sum be not raised by that means, the commissioners are authorised, in addition thereto, to contract with, and allow such undertaker or undertakers, the liberty of establishing a turnpike on the said road, for a term not exceeding fifteen years.

III. *And be it further enacted*, That if the liberty of keeping a turnpike shall be allowed as aforesaid, that whenever the undertaker or undertakers of said road shall have completed their contract, to the satisfaction of the aforesaid commissioners, or a majority of them, the first county court which shall thereafter happen in the county of Haywood, a majority of the acting justices being present, shall proceed to rate the different tolls of said turnpike, and such rate of toll shall be permanent during the said term for which the liberty of keeping the same shall have been granted.

IV. *And be it further enacted*, That if any person or persons, at any time should break through or round the said turnpike, to avoid payment of such toll or tolls, he or they shall forfeit the sum of forty shillings, to be recovered before any Justice of the Peace of the county aforesaid, to the use of the owner or owners of such turnpike.

1809 V. *And be it further enacted* That if any person or persons shall be guilty of falling timber, or putting any other obstructions in the said road, or cutting paths or ways round the turnpike, leading the same into the said road, as might tend to the damage of said undertaker or undertakers, he, she or they so offending, shall forfeit and pay the sum of five pounds, recoverable before any Justice of the Peace of the county aforesaid, and applied as the above mentioned forfeitures.

VI. *And be it enacted*, That the aforesaid undertaker or undertakers shall be under the direction of the county court aforesaid, and liable for neglect of duty, as in case of overseers of roads.

CHAP. XXXV.

An Act to establish a Turnpike on a Road leading from Buncombe Court-house, over the Saluda Gap, to the South-Carolina line.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Samuel Murray, jun. George B. Greer and James Kyrkindall, of Buncombe county, be, and they are hereby authorised to open and repair the road from Buncombe court-house, over the Saluda Gap, to the South-Carolina line, so far as from the north end of Big Mud Creek bridge, on the said road, to the said South-Carolina line, and to keep the said road in good repair, under the direction and superintendence of the commissioners hereinafter appointed.

II. *And be it further enacted*, That William Mills, Samuel Chunn, Andrew Erwin, Alexander M'Kinney, Nicholas Woodfin, Samuel King and Samuel Wilson, be, and they are hereby appointed commissioners for the purpose of laying off and superintending the said road, and shall direct the manner in which the same shall be repaired. And when the said road shall have been completed to the satisfaction of the said commissioners, or a majority of them, then the said Samuel Murray, George B. Greer and James Kyrkindall, may erect and keep one or more turnpikes on the said road, at such places as the said commissioners may agree upon, for a term not exceeding ten years.

III. *And be it enacted*, That the county court of Buncombe county shall and may, at the next court after the road shall have been so completed, and certified to be so done by the said commissioners, establish the permanent rates of toll to be received during the said term; and the said court, as also the superior court of the said county, shall have jurisdiction and authority over the keepers of the said turnpikes, and all complaints and prosecutions against them, as the said courts have in the case of overseers of public roads: and the said keepers shall be liable for suffering the said road to be out of repair, to the same fines, forfeitures and penalties, and to be enforced in the same manner as overseers of public roads.

IV. *And be it enacted*, That it shall be the duty of the said commissioners, or a majority of them, to make return of the situation of the said turnpike road to each term of the said county court.

V. *And be it enacted*, That if any person shall break over, or go round any of the gates that may be erected under the authority of this act, or shall make a road around for the purpose of evading the payment of toll, such person so offending shall forfeit forty shillings, to be recovered before any Justice of the Peace, to the use of the person suing for the same. And if any person shall fall or place timber, or other obstructions in the way on the said road, he shall forfeit five pounds, to be recovered as aforesaid, for the use of the person suing for the same.

CHAP. XXXVI.

An Act to extend the term allowed to Hugh and Mitchell Davidson, for keeping a Turnpike on the Cataloochie Road.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the time allowed to Hugh Davidson and Mitchell Davidson, to keep a turnpike on a road leading from Jonathan's Creek, in Haywood county, through the Cataloochie Mountain, towards Sevierville, in Tennessee, by authority of commissioners, under an act of Assembly passed in the year one thousand eight hundred and four, be, and the said time is hereby enlarged six years longer than the said act, and the engagement made under it hath contemplated, under the same rules and regulations as are prescribed in the said act.

CHAP. XXXVII.

An Act to prevent stops, dams and other obstructions to the running of fish in Grant's Creek, in the county of Rowan.

WHEREAS it is represented to this General Assembly, that during the spring months the inhabitants living convenient to Grant's Creek, in the county of Rowan, would be abundantly supplied with fish were the obstructions, such as dams, stops, traps, &c. across said creek removed,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That any person or persons who have heretofore erected any stop, dam or trap across the said creek in the county of Rowan, mill-dams excepted, shall, previous to the first day of February next, and each and every year in future, cause the said dam, stop or trap by them so erected, to be opened, so that one fourth of the width of the said creek shall hereafter be kept opened and clear of all obstructions to the passage of fish.

II. *Be it further enacted*, That any person or persons who may or shall be convicted before any Justice of the Peace of the said county, of offending or violating the true intent and meaning of this act, shall forfeit and pay for each offence so convicted, the sum of five pounds, to the sole use and benefit of the person suing for the same, any usage or law to the contrary notwithstanding.

CHAP. XXXVIII.

An Act to regulate the Fisheries on Cape Fear River.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no person or persons shall haul more than one seine at the same time and place, nor extend a seine more than three fourths across, nor set a seine to any extent across, to obstruct the passage of fish in the said river of Cape Fear, under the penalty of twenty-five pounds for each and every offence, to be recovered by a warrant before any Justice of the Peace, one half to the use of the person suing for the same, and the other half to be paid to the wardens of the poor, for the use of the poor in the county where such offence may hereafter happen; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXIX.

1809

An Act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of Fish up the several Rivers within this State, so far as respects the Peedee and Yadkin Rivers.

WHEREAS the several acts heretofore passed for the removal of obstructions to the passage of fish up the said rivers have failed to answer the purpose thereby intended : For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That previous to the first day of February next, all owners of dams, hedges, stops or traps, where they extend to, or across the main channel of the main Yadkin or Peedee River, shall cause the said obstructions to be removed, leaving at least one hundred feet as high as the Shallow Ford, in the county of Surry, and from thence to Wilkes county line twenty-five, and from thence to the head of said river, ten feet of the main channel aforesaid, and continue the same open at all times thereafter for the free passage of fish up the same. And every person failing to remove the said obstructions, in the manner and by the time herein specified, shall forfeit and pay the sum of twenty-five pounds, for every twenty-four hours that he, she or they may continue the same, to be recovered by a warrant before any Justice of the Peace, and applied to the sole use of the person suing for the same.

II. *And be it further enacted,* That from the first day of February to the first day of May, in each and every year, no person owning or having an interest in any seine or seines, or dipping nets of any description whatever, for the purpose of catching fish on the said Yadkin or Peedee River, shall be permitted to haul their seine or seines, or use their dipping nets, or suffer others to make use of them for the purposes aforesaid, on Sunday or Sunday nights of each and every week, until the expiration of the time herein specified. Nor shall any person or persons whatever fish at any stand or fishing place on the said rivers on the days and nights aforesaid, under the penalty of twenty-five pounds for each and every offence, to be recovered in the same manner, and applied to the same use as prescribed in the first section of this act; any law, usage or custom to the contrary notwithstanding.

CHAP. XL.

An Act to prevent the working seines or setting nets in the channels through the marshes that separate Pamlico from Albemarle Sound, and to regulate the Fisheries on Roanoke River.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, no person or persons shall work a seine, or set a net, in the channels through the marshes that separate Pamlico from Albemarle Sound; and if any person shall, at any time hereafter, work a seine, or set a net, in the channels that separate the said Sound, he shall forfeit and pay the sum of one hundred pounds for each and every offence, to be recovered before any court having jurisdiction thereof, one half to the use of the informer, and the other half to the use of the poor of the county where such recovery may be effected.

CHAP. XLI.

An Act to prevent any person or persons from working seines, or skimming with nets, in Neuse River, on Sundays and Sunday nights, from the fifteenth day of January to the twenty-fifth day of April, in each and every year.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, no person or persons shall work a seine or skimming net, fish-trap, slide or weir, in Neuse River, from the fifteenth day of January to the twenty-fifth of April, on Sundays or Sunday nights, under the following penalties, that is to say, that every person or persons who shall be found working a seine on that day or night, contrary to the true intent and meaning of this act, shall, for each and every offence, on conviction, forfeit and pay the sum of thirty pounds; for working a skimming-net, fish trap, slide or weir, on conviction thereof, the sum of five pounds, to be recovered before any competent jurisdiction, to the sole use of any person who may prosecute for the same, together with the forfeiture of any skimming net, fish-trap, slide or weir, that may be found working contrary to the true intent and meaning of this act, to any person who may make due proof of the same.

II. *And be it further enacted,* That if any slave or slaves shall be convicted before any Justice of the Peace of having violated this act, he or they shall receive thirty lashes on his or their bare back, and the masters or owners shall be subject to pay the costs of prosecution, and whipping said slave or slaves.

CHAP. XLII.

An Act to appoint Commissioners to lay off and establish the dividing lines between the counties of Carteret and Craven.

WHEREAS the dividing lines between the counties of Carteret and Craven, have not heretofore been effectually described, either by actual surveys or known and fixed boundaries, whereby it becomes expedient, in order to prevent disputes between the inhabitants of said counties, that the dividing lines should be actually ascertained and laid off:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Belcher Fuller and Elijah Pigott, Esquires, of the county of Carteret, and John S. Nelsen and Philip Neal, Esquires, of the county of Craven, be, and they are hereby appointed commissioners, with full powers and authority to lay off, extend and mark the dividing lines between the said counties.

II. *And be it further enacted,* That the said commissioners shall nominate and appoint such surveyor or surveyors, and chain-carriers and other attendants as shall be necessary, for the running, marking and establishing the said lines; and that they shall begin the dividing lines between the counties of Carteret and Craven, at or near Long, or Turn-again Bay, near Neuse River, at such place as may be agreed on by the said commissioners, and shall run thence the middle of the open ground between Carteret and Craven counties, or such lines as may be agreed on between the said commissioners, unto an old marked line at or near Richard Lever's old plantation on the road, and from thence, by the best information, unto the head of Hunter's Creek, on White Oak River; and shall make, or cause to be made, returns of their proceedings to each of the courts of the said counties, to be deposited with and recorded by the Register of each county. And the said lines, when so established and laid off, shall forever thereafter be established and confirmed as the dividing lines between the counties of Carteret and Craven.

1809 III. *And be it further enacted by the authority aforesaid,* That the said commissioners, surveyors, chain-carriers and other attendants, respectively, shall receive such reasonable compensation for their services as the courts of pleas and quarter sessions of said counties may deem just, to be paid out of the monies levied and collected, or hereafter to be levied and collected, for the use of said counties of Carteret and Craven. And all acts that come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XLIII.

An Act to provide for building a new Goal in the town of Concord, in the county of Cabarrus.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That William Means, John Phifer, John Garrison, Robert Ferguson, John K. Carson and Paul Barringer, be, and they are hereby appointed commissioners to contract with a person or persons to build a Goal in said county, in the town of Concord, of such dimensions as they, or a majority of them, may think proper; and when the expence thereof is ascertained, they shall certify the same to the court of said county.

II. *And be it further enacted,* That it shall be the duty of said court, a majority of them being present, at the first term which shall happen after the first day of January next, immediately to proceed to lay a tax for the purpose of defraying said expence, not exceeding three shillings on each and every poll, and not exceeding three shillings on each and every hundred pounds value of town property, and not exceeding one shilling on every hundred acres of land, and not exceeding fifty-three shillings on every tavern licence, and not exceeding sixty-five shillings for every store, and the price of the season of one mare for all stud-horses, to be collected and accounted for at the same time, and in the same manner, and by the same persons that collect the public tax of said county.

III. *And be it further enacted,* That if it should so happen, that the court aforesaid should fail or neglect to lay the tax aforesaid, agreeably to the directions of this act; that then and in that case, the commissioners shall proceed to lay the same, and continue the same from year to year, until, in the opinion of the commissioners, a sufficient sum shall be raised to complete said building.

IV. *And be it further enacted,* That the commissioners aforesaid shall make sale of the present Goal and lot, and the lot known by the name of the School-house lot in said town, on a credit of twelve months, for the purpose of defraying the expence of building a new Goal as aforesaid.

V. *And be it further enacted,* That the commissioners as aforesaid are hereby authorised and empowered to purchase a lot, and to fix upon a proper place within the said town of Concord, whereon to erect the said Goal.

VI. *And be it further enacted,* That the commissioners aforesaid shall, after the Goal is finished, make a full statement of the expence to the county court, and the surplus money (if any) shall be disposed of in such manner as a majority of the acting Justices of said county may direct, after making such compensation to the said commissioners for their trouble, as the said Justices may think proper.

VII. *And be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XLIV.

An Act to provide for the building of a new Goal in the county of Bladen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Ellis, Isaac Wright, William Beattie, Thomas Smith and Thomas Brown, sen. be, and they are hereby appointed commissioners to contract with a person or persons to build a Goal in said county, on the present Goal lot in Elizabeth-town, of such dimensions and of such apartments, as they, or a majority of them, may think proper; and when the expence thereof is ascertained, they shall certify the same to the court of the said county.

II. *And be it further enacted,* That it shall be the duty of the said county court, immediately to proceed to lay a tax for the purpose of defraying said expence, not exceeding two shillings on each and every poll, eight-pence on each and every hundred acres of land, two shillings on every hundred pounds value of town property, forty shillings on every tavern licence, fifty shillings on every store, and the price of the season of one mare on all stud-horses, to be collected and accounted for, at the same time and in the same manner, and by the same persons that collect the public tax of the said county.

III. *And be it further enacted,* That the said county court is hereby authorised to lay a tax annually, not exceeding the sums aforesaid, for the purpose of completing the said Goal.

IV. *And be it further enacted,* That the surplus money (if any) shall be disposed of to the use of the said county, in such manner as a majority of the acting Justices thereof may direct.

V. *And be it further enacted,* That all acts, and clauses of acts, that come within the purview and meaning of this act, be, and they are hereby repealed and made void.

CHAP. XLV.

An Act to authorise the Court of Pleas and Quarter Sessions for the county of Randolph, to lay a tax to defray the expences of building a Goal in said county.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county court of Randolph (a majority of the Justices being present) is hereby authorised, whenever they deem it necessary, to lay a tax, not exceeding two shillings on the poll, eight-pence on every hundred acres of land, and two shillings on every hundred pounds value of town property, in any one year, for the purpose of raising money to defray the expences of building a new Goal in said county. And if the tax of two shillings on the poll, eight-pence on every hundred acres of land, and two shillings on every hundred pounds value of town property, so levied for one year, should be insufficient to answer the purpose above mentioned, it shall and may be lawful for the county court aforesaid to continue the same, from year to year, until a sufficient sum shall be raised, so that the object of this act may be carried into effect.

II. *And be it further enacted,* That the county court of Randolph shall appoint three commissioners; whose duty it shall be to let out the building of the Goal aforesaid, in whatever manner the court may direct, and dispose of the old Goal, and direct that such materials thereof as may be useful in building a new one, may be applied to that purpose.

CHAP. XLVI.

1809

An Act authorising the Court of Pleas and Quarter Sessions of the county of Anson, to lay a tax to defray the expences of building a new Jail in said county, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That James Marshall, James Coleman, Isaac Jackson, James Hough and William Hammond, or a majority of them, be, and they are hereby authorised and empowered to sell the lot in the town of Wadesborough, whereon the public Jail now stands, and also the said Jail and all its materials, on a credit of twelve months, and the funds arising from the same, to be applied by them in defraying the expences of building a new Jail in said town. And in order to carry this law into effect, the said commissioners are hereby vested with full power, by a deed executed by them, or a majority of them, to convey a full and absolute right and title in fee simple to the purchaser or purchasers thereof.

II. *And be it further enacted,* That the commissioners aforesaid, or a majority of them, shall have power to purchase, in the town of Wadesborough, a lot of land not exceeding half an acre, for the purpose of erecting thereon a new Jail: *Provided,* that no contract for the purchase thereof shall be valid, until it receive the sanction of a majority of the acting Justices of said county.

III. *And be it further enacted,* That the commissioners aforesaid, or a majority of them, are hereby empowered and required to ascertain the probable expence of building said Jail, and report the same to the next court of pleas and quarter sessions to be holden for the county of Anson, on the second Monday of January next. And it shall be the duty of said court immediately to lay a tax, not exceeding two shillings on each and every poll, eight-pence on every hundred acres of land, two shillings on every hundred pounds value of town property, fifty shillings on every store, and forty shillings on every retailer of spirituous liquors within said county, which shall be continued from year to year, until a sufficient sum is raised to complete said Jail, which shall be collected in the same manner, and at the same time, that other county taxes are, and shall be paid over to the commissioners aforesaid, or a majority of them; and they are hereby vested with the same powers and authorities that treasurers of public buildings are.

IV. *And be it further enacted,* That the commissioners aforesaid are hereby vested with full power to cause to be erected on the lot of land which they shall have purchased under the directions of this act, a Jail, of such dimensions, rooms and materials, as they, or a majority of them, deem sufficient for said county; and when the same shall be completed, they shall lay before the court of said county, a statement, setting forth the trouble and expence they have been at in the discharge of their duty as commissioners aforesaid, and the court is hereby empowered and required to make them such compensation as their services merit.

V. *And be it further enacted,* That in case any one or more of said commissioners should refuse to act, move out of the county, or die, it shall be the duty of the court of pleas and quarter sessions of said county to appoint another commissioner or commissioners in his or their place, who shall be vested with the same powers and authorities that the other commissioners are; any law, usage or custom to the contrary notwithstanding.

CHAP. XLVII.

An Act to revive and continue in force an act passed in the year 1807, authorising the County Court of Pasquotank to lay a tax for the purpose of building a Prison and Stocks, and completing the Court-house of said county.

WHEREAS it has been represented to the county court of Pasquotank, by the commissioners of public buildings of the aforesaid county, that the act passed in the year 1807, expires with the present collection, and that a sufficient sum has not yet been collected for the completing of the same:

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act be, and the same is hereby continued in force two years longer, say 1809 and 1810, if deemed necessary by the county court aforesaid.

CHAP. XLVIII.

An Act to establish a Poor-House in the county of Craven.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the wardens of the poor in the county of Craven, or a majority of them, as soon as they may deem it necessary after the passing of this act, to make application to the court of pleas and quarter sessions in said county, and the court is hereby directed and empowered to lay a tax, not exceeding one shilling on every poll, and four-pence on every hundred acres of land, and one shilling on every hundred pounds value of town property, to be collected and accounted for as other taxes are in said county; which tax, when collected, shall be paid into the hands of the wardens aforesaid, who are required immediately thereafter to lay out the same to the best advantage in procuring a piece of land, either by purchase or otherwise, and to build, or cause to be built thereon, a house or houses, sufficient for the reception of the poor of the said county, under which denomination shall be comprehended all such persons, of either sex, as shall be adjudged by the wardens incapable, through old age or infirmities, to procure subsistence for themselves. And the said wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated, and sufficiently provided with suitable diet, cloathing and fuel, and to enforce all such regulations as shall be established, from time to time, for the well ordering and governing said poor; which regulations the said wardens are hereby empowered to make. And it shall be lawful for the aforesaid court to renew the imposition of the said tax, from year to year, if necessary, either to complete the aforesaid building, or to defray the expences which may be occasioned by the keeping up thereof. And the said keeper, or overseer, for his services, shall be allowed each year, such sum as the wardens appointed by this act may deem adequate, to be paid out of the tax laid for that purpose. And the keeper or overseer of said poor is hereby required to keep at moderate labour, such of the poor under their care, as they shall judge capable to labour; and at the end of each and every year, shall account to the wardens of said county, on oath, for all sums which may have arisen from the labour of such poor, and have the same deducted from the amount of their expenditures; any law to the contrary notwithstanding.

1809

CHAP. XLIX.

An Act to authorise the County Court of Pasquotank to lay an additional tax for the support of the Poor of said county.

WHEREAS it has been represented that the taxes heretofore laid for the support of the poor of said county, are insufficient: For remedy whereof

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Pasquotank be, and they are hereby authorised and empowered to lay an additional tax for the support of the poor of said county, for the year one thousand eight hundred and nine, not exceeding one shilling on every poll, one shilling on every hundred pounds value of town property, and four-pence on every hundred acres of land.

II. *And be it further enacted,* That the said county court of Pasquotank, shall have full power and authority to lay and continue the said tax for any succeeding year or years, if they deem it necessary, until the arrears due for the support of the poor of said county, shall be fully discharged; and the said taxes shall be collected by the sheriff, and paid over to the wardens of said county, and by them to be applied solely to the use of the poor of said county; any law to the contrary notwithstanding.

CHAP. L.

An Act to authorise the Wardens of the Poor of the county of Tyrrel to lay and collect an additional tax for the support of the Poor of said county.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor of the county of Tyrrel be, and they are hereby authorised and empowered to levy a tax in said county for the years 1809 and 1810, not exceeding one shilling on the poll, one shilling on every hundred pounds value of town property, and four-pence on every hundred acres of land; which tax shall be levied and collected under the same rules, regulations and restrictions, as all other collections of public taxes; and, when collected by the sheriff shall be paid over to the wardens aforesaid, and applied by them solely to the use of the poor of said county; any law, usage or custom to the contrary notwithstanding.

CHAP. LI.

An Act to authorise the Wardens of the Poor of the county of Washington to lay an additional tax for the support of the Poor of said county.

WHEREAS it has been represented to this General Assembly, that the wardens of the poor of the county of Washington, are not authorised by the present existing laws to lay a sufficient tax for the support of the poor of said county: For remedy whereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor of the county of Washington be, and they are hereby authorised and empowered to lay an additional tax for the support of the poor of said county for the year 1809, not exceeding two shillings on every poll, two shillings on every hundred pounds value of town property, and eight pence on every hundred acres of land.

II. *And be it further enacted,* That the said wardens shall have full power and authority to lay a tax for any succeeding year or years, on lands polls and town property, not exceeding the amount aforesaid for any one year, whenever the wardens shall judge it expedient, or until the arrears due for the support of their poor are fully discharged; and the said taxes shall be collected by the sheriff, and paid over to the wardens, and applied solely to the use of the poor of said county; any law to the contrary notwithstanding.

CHAP. LII.

An Act to authorise the Wardens of the Poor of Buncombe county, to purchase a piece of land, and build a Poor-House thereon.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the wardens of the poor for said county have full power and authority to purchase fifty acres of land within two miles of Asheville, and erect such buildings, and make such other improvements thereon, for the use of the poor of said county, as they may think advisable: *Provided,* the same can be done without a greater poor-tax than what is within the power of the wardens as heretofore provided for by law; any thing to the contrary notwithstanding.

CHAP. LIII.

An Act to revive and continue in force an act passed at the last session of the General Assembly, entitled "An act to empower the County Court of Tyrrel to lay a tax for the purpose of building a Bridge across Little Alligator Creek, in said county.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the above recited act be, and is hereby revived and continued in full force, any thing to the contrary notwithstanding.

CHAP. LIV.

An Act to empower the County Court of Lincoln to lay a further tax to complete the Court-house in said county.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Lincoln is hereby empowered and authorised to lay a tax, not exceeding nine-pence on every poll, three-pence on every hundred acres of land, nine-pence on every hundred pounds value of town property, eighteen shillings on every store, fifteen shillings on every tavern licence, and one-third of the price of the season of a mare on all stud horses; which tax may be continued from year to year until the court-house is completed; any law to the contrary notwithstanding.

CHAP. LV.

An Act making compensation to the Jurors who may hereafter serve in the Superior or County Courts of the county of Pasquotank

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all jurors composing the original panel, and who may hereafter serve in the county or superior courts of the county of Pasquotank, shall be allowed the sum of five shillings for each

and every day they attend the said courts, and the sum of five shillings for every thirty miles travelling¹⁸⁰⁹ to and from the same. And it shall be the duty of the clerks of the said courts, to give each juror a certificate setting forth his attendance and mileage, and the allowance which he is entitled to, agreeably to the directions of this act; and the said clerks shall be entitled to the sum of six-pence for each certificate by them given.

II. *And be it further enacted*, That it shall be the duty of the clerk of the county court aforesaid, whenever a judgment is obtained in said court, or an appeal from a Justice of the Peace, to add in the bill of costs the sum of ten shillings as a tax on the party against whom judgment is entered, and a sum of twenty shillings on all actions instituted and decided by jury in said court.

III. *And be it further enacted*, That it shall hereafter be the duty of the clerk of the superior court of said county, whenever a suit is decided by a jury in the superior court aforesaid, to add in the bill of costs the sum of thirty shillings, as a tax on the party against whom a judgment is entered as aforesaid. And the tax on suits herein mentioned, shall be collected in the manner hereafter directed, and applied for the purpose of paying off the allowances herein made to the jurors of said courts.

IV. *And be it further enacted*, That the tax on suits herein directed to be laid, shall be collected by the sheriff of said county, and by him paid over to the clerk of the court of pleas and quarter sessions, who is hereby directed to pay off the jurors of the county and superior courts aforesaid, agreeably to the numbers and dates of their certificates.

V. *And be it further enacted*, That if it should at any time hereafter appear to the satisfaction of the court of pleas and quarter sessions of the county aforesaid, that the tax herein directed to be laid on suits, are insufficient to pay off the allowances made to jurors by this act, the said court is hereby authorised and required to lay a tax, not exceeding six-pence on every poll, six-pence on every hundred pounds value of town property, and three-pence on every hundred acres of land; which tax shall be collected by the sheriff as aforesaid, and paid over to the clerk of the court of pleas and quarter sessions, and by him paid to jurors, in the same manner, and under the same rules, regulations and restrictions, as are prescribed in the fourth section of this act.

CHAP. LVI.

An Act to amend an act, entitled "An act to make compensation to Jurors in Richmond county."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of every Justice of the Peace who may be hereafter appointed to receive the list of taxable property within the said county of Richmond, to fix an appendix to such list, and insert the names of every person who may be deemed duly qualified and capable to serve as a juror within the district for which such Justice is appointed; and it shall be the duty of the county court clerk to record, in a book to be kept for that purpose, such persons names, and allow not less than ten blank pages for every district. And it shall further be the duty of the county court to which such lists are returnable, to examine and compare the respective lists with the originals, and to strike out the names of such as are unable to attend court, from infirmities, removal or other disabilities. And whenever jurors are to be appointed, it shall be the duty of the Justices who may compose the said county court, by reference to the jury-book, and the several laws passed relative to an act, entitled 'An act for the more uniform and convenient administration of justice within this state,' on the second day of every court, when jurors are to be appointed, to proceed and appoint the number of jurors, and carefully to observe that jurors shall only be compelled to serve in rotation. And it shall be the duty of the county court clerk to furnish the sheriff with a correct list of the jurors appointed to serve at the ensuing term, within twenty days after the court adjourns.

II. *And be it further enacted*, That it shall be the duty of the superior court clerk of said county, to grant certificates to every juror who may hereafter attend the superior court in said county, and allow such juror the sum of five shillings per day for every day's attendance, and the like sum for every thirty miles such juror may travel to and from court; which tickets shall be a tender to the sheriff in payment of county taxes, in the year in which such juror may have served, and afterwards be a sufficient voucher to the sheriff in the discharge of county contingencies.

III. *And be it enacted*, That it shall be the duty of the superior court clerk of said county, to add ten shillings to the bill of costs for every appeal from a Justice of the Peace which may be decided in said superior court, and thirty shillings on all other suits or actions which may be decided in said court; which sums respectively, shall be collected and accounted for by the sheriff, in the like manner as all other costs are collected and accounted for, to be applied for the express purpose of discharging jurors claims.

IV. *And be it further enacted*, That no allowance shall hereafter be made to the sheriff or clerk of said county, or to any other person or persons whatever, except as by this act directed, without the concurrence of a majority of the acting Justices of said county; and at the time of making out such allowance, it shall be the duty of the clerk to enter on the court docket, the names of the Justices present; and for every failure or neglect of the county court clerk to comply with the requisites of this act, he shall forfeit and pay the sum of five pounds, recoverable before any Justice having cognizance thereof, for the sole use of the person suing for the same, and be further deemed guilty of a misdemeanor in office, and upon conviction in any of the superior courts within this State, he shall be liable to be removed therefrom.

V. *And be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, are hereby repealed and made void, as far as respects the county of Richmond.

CHAP. LVII.

An Act to amend an act, passed the last session of the General Assembly, entitled "An act making further compensation to the Jurors of the Superior and County Courts of Halifax county."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future, the jurors who may hereafter attend the superior and county courts of Halifax county, shall be allowed, in addition to their for-^{ner} pay, the sum of twelve shillings and six-pence, for every thirty miles travelling to and from said courts.

1809

CHAP. LVIII.

An Act to provide for the payment of Jurors for the county of Northampton.

BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the jurors of the original pannel hereafter summoned and attending the superior court and court of pleas and quarter sessions for the county of Northampton, shall be entitled to receive eight shillings for each and every day's attendance as jurors aforesaid, and at the rate of eight shillings for every thirty miles travelling to and from the said courts. Certificates of their attendance shall be made out by the clerks of the respective courts upon oath. The clerk shall be entitled to receive eight-pence for each and every certificate made out and delivered by him.

II. Be it further enacted, That the court of pleas and quarter sessions of the said county may, and they are hereby authorised and required annually to lay a tax for the payment of the said jurors, not exceeding two shillings on every poll, eight-pence on every hundred acres of land, and eight-pence on every hundred pounds value of town property.

III. Be it further enacted, That it shall be the duty of the sheriff, after the said tax is laid, to collect the same, in the same manner as other county taxes are collected, and pay the same to the county trustee.

IV. Be it further enacted, That it shall be the duty of the county trustee, out of the money in his hands received by virtue of this act, to pay each and every juror attending as aforesaid, upon the juror's producing his certificate and demanding payment thereof.

CHAP. LIX.

An Act directing in what manner the County Court of Person shall in future appoint their Jurors.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for the county court of Person to draw their county court jurors out of the same box from which they draw their superior court jurors; and should it so happen that they should draw a Justice of the Peace from the box when they are drawing their county court jurors, they shall return it into the same box from whence it was drawn; any law, usage or custom to the contrary notwithstanding.

CHAP. LX.

An Act to amend the second, third and fourth sections of an act passed last session of the General Assembly, for altering the times of holding the County Courts in the county of Carteret, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when the county and superior courts shall happen on the same days, it shall be the duty of the sheriff of said county to call and adjourn the said county court, from day to day, in the court house of said county, until the business of the superior court is done for the said term, then the sheriff shall call and open the said county court, and the said court shall proceed to business from day to day, until the business of said court is done, in the same manner as at other terms. And it shall be the duty of the sheriff to summon the jurors that are drawn to attend the superior courts, to attend the county court for the same term, after the business of the superior court expires.

II. And be it further enacted by the authority aforesaid, That when any cause shall be determined hereafter by a jury in the county or superior courts, it shall be the duty of the clerks to proceed and charge in the bills of costs, the sum of forty shillings for every suit so determined; and it shall be the duty of the sheriff to collect the same, and pay the amount thereof when so collected to the county treasurer, who is hereby directed to apply the same to the payment of the jurors who shall attend the county or superior courts in said county.

III. And be it further enacted, That each juror summoned and shall attend the county or superior courts in the county of Carteret, shall receive the sum of ten shillings for every thirty miles travelling, going to and returning from the said courts, and the sum of ten shillings for every day they attend the same, until discharged therefrom; and the second, third and fourth sections of the above recited act, are hereby repealed and made void.

CHAP. LXI.

An Act to alter the time of holding the County Court of Pleas and Quarter Sessions in the county of Caswell.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the county court of pleas and quarter sessions to be held for the county of Caswell, on the fourth Monday in December next, the said courts shall be held on the fourth Monday in the months of January, April, July and October, in each and every year; and the said court to be held on the fourth Monday in December next, shall continue and adjourn all suits and other business then remaining before the said court unfinished, to the fourth Monday in April next following; and all process issuing from said court shall be made returnable accordingly.

II. And be it further enacted, That all acts and clauses of acts which come within the purview and meaning of this act, are hereby repealed and made void.

CHAP. LXII.

An Act to amend an act, passed in the year one thousand eight hundred and eight, entitled "An act to alter the time of holding Richmond County Court."

WHEREAS it is represented to this General Assembly, that persons who have suits depending in the county court of said county, when the county and superior courts are held in the same week, are liable to, and may incur unnecessary costs, by witnesses being summoned to attend on Monday, the first day of the county court: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of January next, whenever the county and superior courts of said county are to be holden in the same week, it shall be the duty of the county court clerk to issue all writs, subpoenas or other process, for any person or persons who are, or may hereafter be bound, returnable to said court, to attend the said county court, on Thursday after the third Monday in March and September, in each and every year; to which time and place it shall be the duty of the sheriff of said county to make his returns, in the same manner as formerly were done to the county courts on Monday, and be liable to fines, forfeitures or amercements for failure or neglect.

II. *And be it further enacted* That all matters or things which now are, or may hereafter be depending in the said county courts respectively, shall be at issue and tried or continued, only on the days appointed by this act for holding said county courts.

III. *And be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

CHAP. LXIII.

An Act to alter the time of holding the County Courts in the county of Sampson.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first court to be held for said county, which will be on the second Monday in February, one thousand eight hundred and ten, the courts of said county shall be held on the third Monday in May, August, November and February, in each and every year, and that all process shall be made returnable accordingly.

CHAP. LXIV.

An Act to alter the time of holding the County Courts of Robeson and Cumberland.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the first Monday in January, 1810, the court of pleas and quarter sessions for the county of Robeson, shall be held on the fourth Monday in February, May, August and November, in each and every year; to which times all process shall be made returnable, and all proceedings now depending shall stand adjourned.

II. *And be it further enacted,* That from and after the second Monday in December, 1809, the court of pleas and quarter sessions for the county of Cumberland, shall be held on the first Monday in March, June, September and December, in each and every year; to which times all process shall be made returnable, and all proceedings now depending shall stand adjourned; and all acts and clauses of acts which come within the purview and meaning of this act, be, and the same are hereby repealed and made void.

CHAP. LXV.

An Act to repeal an act of the last General Assembly, entitled "An act to alter the times of the sitting of the County Courts of Pasquotank."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act of the last General Assembly, entitled 'An act to alter the times of the sitting of the county courts of Pasquotank,' be, and the same is hereby repealed and made void; and that hereafter the courts of pleas and quarter sessions for said county, shall be held at the same times, and in the same manner, as if the above recited act had never been passed; any thing to the contrary notwithstanding.

CHAP. LXVI.

An Act giving additional power to the County Courts of Edgecomb, Camden and Pitt.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the county courts of Edgecomb, Camden and Pitt, shall have power, and are hereby empowered to lay a tax, should a majority of the Justices then on the bench deem it proper, on all taxable slaves within the said counties, not exceeding two shillings on each, for the purpose of employing fit persons to keep the slaves as aforesaid in due subordination; which said tax shall be levied, collected and accounted for, as other taxes in said counties.

CHAP. LXVII.

An Act to regulate the mode whereby settlements in future shall be made with the Sheriffs and other officers for the county and parish taxes, in Richmond county.

WHEREAS it hath been represented to this General Assembly that several incorrect lists of taxable property within the aforesaid county hath been returned to the Treasurer's and Comptroller's offices of this State, by which means the Public Treasury of this State hath been defrauded, and the honest citizens of said county consequently compelled to pay uncommonly high taxes: For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in order to prevent similar impositions in said county in future, it shall be the duty of the respective county courts, to which returns of taxable property are made, to appoint a committee of three respectable characters, whose duty it shall be to examine every return made of the list of taxable property within said county, and likewise to assess and value the taxable town property, and to make out a duplicate of the tax list, and when countersigned to deposit the said duplicate in the Superior Court Clerk's office, a record of which may be given in evidence as other records are, and it shall be the duty of the Superior Court Clerk to file all such duplicates in his office, free to the inspection of such persons as may be concerned.

II. *And be it further enacted,* That it shall be the duty of the Sheriff of said county annually to advertise at the court-house and at the other two battalion muster grounds, and set up a correct list of insolvents; and before any county court shall proceed to make such Sheriff allowance for insolvents, the Sheriff shall exhibit a copy of such notice, endorsed with an affidavit to the satisfaction of said court, previous to making any allowance for insolvents.

III. *And be it further enacted,* That Jesse Baldwin, Alexander Nicholson and John Blue, Esquires, are hereby appointed Commissioners for the purpose, to demand and receive a settlement of every former County Trustee, Treasurer of Public Buildings, Wardens of the Poor, or any other person or persons whatever who have been entrusted with, or have had the management of the county or parish tax in said county, since the first day of January, one thousand seven hundred and ninety six, whose duty it shall be to render a just account by a fair statement of the list and vouchers to the County Commissioners, within thirty days after a written notice is served; and should any County Trustee, Sheriff or County Treasurer of Public Buildings, Wardens or any other person or persons who have been entrusted with either the county or parish accounts, and when it may be made appear that any improper application of any monies appertain to said county, fail, refuse or neglect to render such statement within the time specified by this act, then and in that case, it shall be the duty of the County Treasurer to exhibit any bond

1809 or other record in open court, and to obtain judgment in a summary way against such person or persons, in like manner as judgments are obtained; and to demand and receive from the County Clerk of said county, the inventories of taxable property deposited in his office, and a copy of all other records which the aforesaid Commissioners may deem necessary to carry this act into effect; likewise to demand a correct statement from the respective Sheriffs, County Trustee, Treasurers of Public Buildings, Wardens of the Poor, or any other person or persons who may have been concerned in the collection or distribution of county or parish monies since the above mentioned period. And it shall be the duty of the Clerk of the County Court to furnish the County Commissioners with a copy of the records, or any vouchers which do appertain to the office of the Wardens of the Poor, under the penalty of twenty pounds for every refusal or neglect, to be recovered before any jurisdiction having cognizance thereof, one half to the use of any person who may sue for the same, the other half to the parishioners of said county.

IV. *And be it further enacted,* That the County Commissioners, or a majority, at their first meeting, shall appoint a Treasurer, who shall give bond, with two sufficient freehold securities, in the sum of two thousand dollars, payable to the Governor and his successors in office, conditioned for the faithful discharge of the trust reposed in him, whose duty it shall be to record in a well bound book, the several sums of money which may appear due and is received, or disbursements made; which record may be given in evidence the same as other records are. And it shall further be the duty of the County Treasurer to number, file and punch every claim, receipt, order or draft, and afterwards to secure the same. And on the first day of the respective county courts which may be holden for said county after the first day of January in each and every year, it shall be the duty of the Treasurer to affix one copy within the walls of the court-house, and to file another in the Superior Court Clerk's office, under the penalty of five pounds for every neglect; to be recovered in the name of any person who may sue for the same, before any jurisdiction having cognizance thereof, and applied to his sole benefit.

V. *And be it further enacted,* That to enable the County Treasurer to procure testimony, commence and prosecute suits for the recovery of balances, under appropriations, fines or forfeitures, for full compensation for his trouble and expence, he shall be entitled to receive a commission of ten per centum, and one per centum on all other monies. And it shall be the duty of the Solicitor acting in behalf of the State to prosecute all suits which may be brought to recover any debt or other dues which are, or may appear due from any former Sheriff, or County Trustee, Trustee of Public Buildings, or any other delinquent.

VI. *And be it further enacted,* That the several sums of money, when collected and in the hands of the Treasurer, shall be applied solely for the purpose for which the same was first intended, and liable to the draft or order of the Commissioners.

VII. *And be it further enacted,* That every County Commissioner who is, or may be appointed by virtue of this act, shall be allowed the sum of two dollars per day for every day he may necessarily attend in the discharge of his duty, which sums respectively may be allowed him: *Provided,* the time charged shall not exceed six days annually, to be paid out of the monies collected by virtue of this act.

VIII. *And be it further enacted,* That upon the resignation or refusal to act, of any of the Commissioners appointed by this act, it shall be the duty of the County Court to appoint another Commissioner or Commissioners, as the case may be, to supply such vacancy or vacancies: *Provided,* that such Commissioner shall reside within the battalion in which such vacancy may happen, and be invested with all the powers and authorities which are delegated to any Commissioner by this act appointed.

IX. *And be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, are hereby repealed and made void.

CHAP. LXVIII.

An Act to empower the County Court of Guilford to fix the allowance to be made the Commissioners who were appointed to superintend the late Public Buildings in said County, and other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That when the public buildings are completed, the said commissioners shall lay a statement of their expences before the said county court, who are hereby authorised to allow them a reasonable compensation for their services, to be paid out of the money arising from the sale of the old court-house at Martinsville, and the lots in Greensborough, in said county; and the balance of money that may be in the hands of the said commissioners, shall be placed in the hands of the county trustee, and remain for the purpose of keeping the Jail of said county in repair, or for the use of building a new one, as a majority of the Justices of said county may think proper, and for no other purpose whatever; any law, usage or custom to the contrary notwithstanding.

CHAP. LXIX.

An Act to empower the County Court of Ashe County to appoint Commissioners of Public Buildings.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That a majority of the Justices of the county court of pleas and quarter sessions of Ashe county, shall have full power and authority to appoint commissioners of public buildings for the town of Jefferson, in Ashe county; and if any of the said commissioners shall die, resign, remove or refuse to act, the said Justices as aforesaid shall appoint others in their place; any law, usage or custom to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid,* That the said commissioners, when appointed, shall have full power to sue and be sued, plead and be impleaded, for all monies, debts or demands, which are due, or may become due to the county of Ashe, for the purpose of being applied to keep in repair the public buildings thereof.

III. *And be it further enacted,* That the said commissioners shall have full power and authority to dispose of the public lots yet unsold in the town of Jefferson, in the county aforesaid, at public sale, to the highest bidder, and apply the money arising from the same, to pay off the balance yet unpaid for completing the public buildings in the county of Ashe.

IV. *And be it further enacted,* That the commissioners aforesaid shall give bond and security to the chairman of the said county court, in performance of their duty in office, and to account for all monies by them collected, which they ought to account for.

V. *And be it further enacted*, That all laws and clauses of laws which come within the meaning and purview of this act, are hereby repealed and made void. 1809

CHAP. LXX.

An Act requiring a majority of the acting Justices of Wayne and Montgomery Counties to be present in certain cases.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any order of the county courts of Wayne or Montgomery to be passed, altered or rescinded, which is made for the purpose of laying off roads, establishing ferries, building bridges, or appointing inspectors of elections, unless a majority of the acting Justices in said counties be present.

II. *And be it further enacted*, That no order shall be made in said county courts for turning a public road, alteration of a road or river district, by withdrawing or adding hands, or shortening, lengthening, or otherwise changing said district, unless a public notice in writing shall have been set up at the court house door of said counties, on Tuesday of the court preceding such application, during the sitting of said court, giving notice of an intention to apply at the ensuing term to have such order made, and due proof being made on oath before the court of such advertisement or notice having been so publicly set up; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXI.

An Act to empower the County Court of Bertie to transcribe such part of the Register's Books of the said County as may appear necessary.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said county court of Bertie, shall have power to employ some proper person to transcribe into a bound book or books, such parts of the Register's books of the said county as may be in a situation unfit for preserving the records of the aforesaid county; and that the said records so transcribed, shall be considered, to all intents and purposes, as valid as if the same had been originally recorded in said book or books; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXII.

An Act to amend an act, entitled "An act to establish an Academy in the city of Raleigh," passed in the year one thousand eight hundred and one.

WHEREAS the trustees of the Raleigh Academy, finding it necessary to the interest of the institution, have enlarged their body, by electing an additional number of trustees:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the act of the trustees of the Raleigh Academy in electing an additional number of trustees beyond the power vested in them by law, be confirmed, and that the trustees so appointed shall possess the same powers with those originally chosen.

II. *And be it further enacted by the authority aforesaid*, That the trustees of said academy shall have full power and authority, whenever they shall deem it beneficial to the institution, to increase their number, by electing others, who when so elected, shall possess all the powers of trustees of said Academy. And whenever any vacancy or vacancies shall occur in their board, the trustees shall and may use their discretion, in either filling the same, or permitting their number to diminish by such vacancies.

III. *And be it further enacted*, That from and after the passing of this act, any number of the trustees, not less than nine, shall be and constitute a quorum, and be at all times competent to exercise and discharge all the powers and duties which are or may be vested in, or required of the trustees of said Academy: *Provided nevertheless*, that no number less than a majority of the trustees, shall form a board competent to appoint a Principal Teacher, or to appropriate any of the funds of the institution.

And whereas the quarries of Rock in the public land adjacent to the city of Raleigh, though of no benefit to the State, might yield a small emolument to the trustees of the Academy:

IV. *Be it therefore enacted by the authority aforesaid*, That the rock lying on and in the public land adjoining the city of Raleigh, be, and the same is hereby vested in the trustees of the Raleigh Academy, and their successors, for and during the term of five years, for the sole use and benefit of said Academy, with full power to the said trustees, and their successors, to sell and dispose of the same, or any portion thereof, whenever they shall think proper during said term, and to grant to the purchaser or purchasers thereof the privilege of removing the same: *Provided always*, if the State shall, any time hereafter, require any of the said rock for public buildings, or other purposes, the rock so required shall and may be taken for the use of the State.

CHAP. LXXIII.

An Act to establish an Academy in Hertford County.

WHEREAS the diffusion of useful knowledge by establishing Seminaries for the education of youth, is productive of general benefit, and essential to the permanence of Republican Government:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Benjamin Roberts, John Wheeler, William P. Morgan, William H. Murfree, Patrick Brown, Sharpe Blount, Samuel Wells, Thomas Deans, William Moore, John Jiggins, William B. Cheatham, Joseph F. Dicinkson, Timothy Ridley, William Rice, Joseph G. Rea, Thomas Odwyer, Isaac Foster, George Gordon, Henry Ramsey, Cornelius Moore, Andrew Jones, Lewis Walters, Ephraim Wheeler and Henry W. Long, shall be, and are hereby declared a body politic and corporate, to be known and distinguished by the name of *The President and Trustees of the Hertford Academy*, and by that name shall have perpetual succession; and they and their successors, or a majority of them, by the name aforesaid, shall be capable in law to receive and possess, any quantity of lands or tenements, goods or monies, that may be given to the use of the Academy, and apply the same according to the will of the donor.

II. *And be it further enacted*, That the said trustees may sell and dispose of any lands or tenements, goods or chattels, that may be given to the use of said Academy, when the will of the donor does not

1809 forbid it. And further, that the said trustees, by the name aforesaid, to-wit, the President and Trustees of the Hertford Academy, shall be able and capable to sue and be sued, plead and be impleaded, in any court within this State; and shall have power to do all such things as are incident to, and usually exercised by bodies politic for the promotion of the objects contemplated, not incompatible with the constitution of this State.

III. *And be it further enacted*, That the said trustees, or a majority of them, shall have powers to elect a President, Secretary and Treasurer; also to appoint such Professor and Tutors as they may deem proper; and that they shall make all such laws and regulations for the government of such Academy as may be necessary for the preservation of order and good morals. That the said trustees, or a majority of them, are hereby authorised and empowered to purchase such quantity of land as they may deem expedient, for building the Academy thereon. And in case of death, refusal, or inability to act, of any of the trustees now appointed, the remaining trustees, or a majority of them, may elect others to supply their places, and shall also have power to elect additional trustees, so that the whole number may not exceed thirty-six.

CHAP. LXXIV.

An Act to incorporate the Trustees of the Vine-Hill Academy, in the County of Halifax.

BE it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That William R. Smith, James Smith, jun. Peyton R. Tunstall, Marmaduke Norfleet, Josiah Nelms, Willis Powell, John Anthony and Simmons J. Baker, Esquires, shall be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Vine-Hill Academy, in the county of Halifax*, and by that name shall have perpetual succession and a common seal; and that they the said trustees and their successors, or a majority of them, shall be able and capable in law to take, demand, receive and possess, all monies, goods and chattels that shall be given them for the use of the said Academy, and apply the same according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess and retain, to them and their successors forever, any lands, tenements, rents or hereditaments, of whatsoever kind, in special trust, that the same, or the profits thereof, shall be applied to and for the use and benefit of the said Academy.

II. *And be it further enacted*, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall have full power and authority, to bargain, sell, grant, demise, alien, convey and assure to the purchasers, any such lands, tenements, rents or hereditaments aforesaid, where the condition of the grant to them; or will of the deviser, does not forbid it. And farther, that the said trustees, and their successors for ever, or a majority of them, shall be able and capable in law, to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever; and that they shall have full power to open and receive subscriptions, and in general to do all such things as are usually done by bodies corporate and politic.

III. *And be it further enacted*, That on the death, refusal to act, resignation or removal out of the State of any of the said trustees for the time being, it shall be lawful for the remaining trustees, or a majority of them, and they are hereby authorised and empowered to elect and appoint one or more trustees, in the place of such trustee or trustees, dead, refusing to act, resigned or removed; and the said trustee or trustees so appointed, shall be vested with the same trust, powers and authorities as the original trustees are by virtue of this act.

IV. *And be it further enacted*, That the said trustees and their successors, or a majority of them, shall have the power and authority to appoint a Secretary and Treasurer and a President of the said Academy, and such Professors, Tutors and other officers, as to them shall appear necessary and proper, whom they may remove for misbehaviour, inability or neglect of duty. And they shall have the farther power to make all such by-laws and regulations for the government of the said Academy, and the preservation of good order and morals therein, as are usually made in such Seminaries, and as to them may appear necessary: *Provided*, the same be not contrary to the laws of the State, or to the unalienable liberty of the citizen.

CHAP. LXXV.

An Act to establish an Academy on the land of Doctor Simon Landreth, in the county of Guilford.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Colonel Daniel Gillaspie, Captain James Neely, John Landreth and Arthur Woodburn, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Thisbe Academy*, and by that name shall have perpetual succession; and that they, or a majority of them, by the name aforesaid, shall be able and capable in law, to take, demand, receive and possess all monies, goods, chattels, lands and tenements that may be given them for the use of the said Academy, and the same to apply as they, or a majority of them, may deem most advantageous to said Academy.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to make such laws and regulations for the government of said Academy, and the preservation of order and good morals therein, as are usually made in such Seminaries, and to them may seem proper.

CHAP. LXXVI.

An Act to establish an Academy in the County of Moore.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Bryan Boroughs, David Kennedy, William Waddle, Neil M'Leod and Alexander Kennedy, are hereby constituted and incorporated a body politic, to be known by the name of *The Trustees of Mount Parnassus Academy*, and by this name shall have perpetual succession, and shall have the same powers and authorities to ask, demand and receive, and to do and act, in all things which may tend to the promotion and prosperity of said Seminary, in as full and ample manner as the trustees of any Academies now established in this State.

II. *And be it further enacted*, That the said trustees, whenever a vacancy shall happen, a majority of them may appoint others to fill such vacancy.

CHAP. LXXVII.

1809

An Act establishing an Academy at Laurel Hill, in Richmond County.

WHEREAS the education of youth has a tendency to inculcate virtuous principles, and deeply to impress upon the American heart the love of a Republican Government, it is therefore the indispensable duty of legislative bodies to promote and encourage such laudable and beneficial institutions, in laying the foundation of Public Seminaries. And whereas the situation of Laurel Hill being healthy, pleasant, well watered, and abounding with provisions plenty and cheap, so that students may be genteely accommodated at a moderate expence :

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Patterson, John Smith, Isaac Williamson, John M'Nair and John M'Farland, Esquires, are hereby constituted and incorporated a body politic, to be known by the name of the *Trustees of the Laurel Hill Academy*, and as such shall have perpetual succession and a common seal. And the said trustees and their successors, or a majority of them, shall be able and capable in law, to take, demand and receive, any donation or acquisition of property that may be made, or accrue to said Academy ; and in each and every case, to do and act in all things whatever that may tend to the profit of said Academy, in as full and ample a manner as the trustees of any of the Academies now established in this State.

II. *And be it further enacted,* That if any of said trustees shall die, remove or refuse to act, a majority of them shall appoint suitable persons to fill such vacancies.

CHAP. LXXVIII.

An Act to establish an Academy in the upper part of Pasquotank County.

WHEREAS establishing Seminaries of Learning for the purpose of educating youth, is essential to the happiness and prosperity of the community, and therefore worthy of legislative aid :

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Abner Whitney, Frederick B. Sawyer, Isaac Stokely, John Koen, senior, Miles Jones, James Carver, Thomas Wood, Thomas Gordon, Isaac Griffin, George Ferrebee, William S. Hinton and Isaac Please, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of *The Trustees of the Newland Academy*, and by that name shall have perpetual succession ; and they and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law, to take, demand, receive and possess, all monies, goods and chattels that shall be given for the use of the said Academy, and the same apply accordingly to the will of the donor ; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors for ever, any lands, rents or tenements, of what kind or nature soever, in special trust or confidence that the same, or the profits thereof, to be applied to and for the purpose of establishing and endowing said Academy ; and shall be capable of pleading or being impleaded, for any money which may be given or subscribed for the use of this institution.

II. *And be it further enacted,* That the said trustees, or a majority of them, shall have power to appoint such Professors and Tutors as to them shall appear necessary, also a Treasurer and Secretary, upon such conditions, and with such restrictions, as they may deem proper. And the said trustees, or a majority of them, shall have power to make all such laws and regulations for the government of the said Academy, and for the preservation of order and good morals therein, as they may deem necessary.

III. *And be it further enacted,* That upon the death, removal, inability, refusal to act, or resignation, of any of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to elect other trustee or trustees, in the room of such as die, resign, remove, or refuse to act, and the trustee or trustees so elected, shall have equal power, authority and capacity with the trustees hereby appointed.

IV. *And be it further enacted,* That the said board of trustees shall be, and are hereby declared to be vested with full power and authority to raise a sum not exceeding one thousand five hundred dollars, by one or more lottery or lotteries, by such scheme or schemes as they shall think proper ; to be applied towards defraying the expences of the building and completing said Academy.

V. *And be it further enacted,* That the said trustees shall have, and they are hereby declared to have, full power to appoint, from time to time, commissioners to manage such lottery or lotteries as may be established, and to make such rules and regulations respecting the sale of tickets or the payment of prizes, as they may deem necessary ; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXIX.

An Act to amend an act passed at Raleigh in the year 1803, entitled " An act to establish an Academy in the county of Buncombe."

WHEREAS said Academy labours under disadvantages for the want of funds, but in every other respect is in a flourishing situation : For remedy whereof,

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the trustees of said Academy, or their successors in office, either appointed or that may be appointed, agreeable to the directions, provisions and restrictions in the establishment of the same, have full power and authority to raise the sum of five thousand dollars by way of lottery, for the purpose of completing the necessary buildings, and purchasing lands and apparatus, &c. for the use of the same, and also for the purpose of establishing a Female Academy in the town of Asheville, under the direction of the said trustees ; such part of such sum of money so to be raised, to be applied to each purpose, as a majority of said trustees may think advisable. And said trustees, or a majority of them, at their first meeting after the passing of this act, shall chuse five of their body to draft a scheme of said lottery, who shall be considered the entire managers of the same, and previous to their entering on the duties of their office, they shall each swear in open court, ' That they will do equal justice to all persons and parties concerned.' And they shall also enter into bond jointly to the chairman of the court, in the sum of fifty thousand dollars, for their punctually paying out of the money received for the sale of tickets, to the fortunate drawers, in sixty days after said drawing is completed, if properly applied for, first deducting such per cent. as may be agreed upon by said managers in favour of said institution so established, and to be established. And said managers shall have full powers and authority to establish and carry on said scheme in such way as they may think most advisable to promote the interest of all concerned ; and may sue and be sued as managers of the same, and be heard as such in all courts of record.

1809 II. *And be it further enacted*, That in honour to the present Pastor and Teacher of said Academy, in future, said Academy shall be called and known by the name of *The Newton Academy*; and that all gifts or donations heretofore made, and all contracts now pending, and every thing heretofore agreed upon relative to the Union Hill Academy, shall be considered to exist, and stand upon the same footing with the Newton Academy; and all arrearages due shall be collected in the same manner, as if the name of the same had never been altered. And the commissioners shall continue the same, and all vacancies that may take place shall be filled up on the same principles as originally agreed upon and provided for in the above recited act; any thing heretofore to the contrary notwithstanding.

CHAP. LXXX.

An Act for the promotion of Learning and Scientific Knowledge in the county of Stokes.

WHEREAS the encouragement of Seminaries of Learning for the proper education of youth, is essential to the happiness and prosperity of the community, and therefore highly worthy the attention of legislative bodies; and it being represented to this General Assembly, that there is a Seminary of Learning in the county of Stokes, near Germanton, if encouraged, will be of particular advantage to the inhabitants of said county, and that the citizens of that place have a desire to have the said institution incorporated:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Joseph Winston, John Martin, Andrew Bowman, Thomas T. Armstrong, Isaac Dalton, George Houser, Joseph Wilson, Jacob Simons, Esquires, be, and they are hereby declared to be a body politic and corporate, to be known by the name of *The Trustees of the Germanton Academy*, and by that name shall have perpetual succession; and they, or a majority of them or their successors, by the name aforesaid, shall be able and capable in law to take, demand, receive and possess, all monies, goods and chattels that shall be given for the use of said Seminary, and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors, for ever, any land, rents or tenements, of what kind or nature soever, in special trust or confidence, that the same, or the profits thereof, be applied to and for the purpose of establishing and inclosing said school.

II. *And be it further enacted by the authority aforesaid*, That the said trustees, or a majority of them, shall have power to make such laws and regulations for the government of said school, for the preservation of order and good morals therein, as are usually made in Seminaries of Learning, and as to them may appear necessary, not inconsistent with the constitution and laws of this State.

III. *And be it further enacted by the authority aforesaid*, That when the said commissioners, or a majority of them may deem it necessary, they shall have full power and authority to nominate and appoint other trustees, whose power and authority shall be equal to those herein appointed.

CHAP. LXXXI.

An Act to amend an act, entitled "An act to establish a Seminary of Learning in the town of Fayetteville, and to amend the law for the regulation of the towns of Fayetteville and Hillsborough."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That David Anderson, Paris I. Tillinghast, jun. Charles Chalmers, Hugh McLean, John Winslow, Thomas Davis, Oliver Pearce, John McMillan, Duncan McLerran, William B. Grove, John Dickson, John Eccles, John McLerran, Hugh Campbell, Sebastian Staiert, Duncan McRae, Henry Branson, Paris I. Tillinghast, sen. Benjamin Robinson, Elisha Stedman, John Kelly, Robinson Mumford, jun. Robert R. Rford, James McIntire, John A. Cameron, James McRackan, Andrew Broadfoot, Simeon Gelden, John Huske, Robert Holliday, Gabriel Debrutz, John Hawley, sen. and Dolphin Davis, be, and they are hereby constituted and appointed trustees to superintend the government of the Seminary of Learning in the town of Fayetteville, with full power and authority to receive all donations legacies or devises, which may be made to them as trustees aforesaid, for the purpose of regulating and supporting the Seminary hereby instituted by the name of *The Fayetteville Academy*; and the trustees and their successors, or a majority of them, are hereby empowered to ask, demand, sue for, recover and receive, from all persons, any sum or sums of money, or other property, real as well as personal, to which they may be entitled, by donation, purchase or otherwise, with full power to apply and use the same as to them shall seem best for the advancement of said Seminary, and the promotion of virtue and learning.

II. *And be it further enacted*, That when any of the trustees named in this act, shall die, remove, resign or refuse to act, a majority of those remaining shall have full power and authority to appoint others in the room of those dead, removed, resigned or refusing to act, and to extend the number as far as they may think expedient, with the power of appointing their President, and restricting, if they think proper, the time of his continuance in office; and also the power of determining by their own vote, what number shall constitute a quorum to do business, with the power of enacting such by-laws for their own regulation and the government of the Academy, as to the trustees shall appear necessary or expedient. That the said trustees, and their successors, are hereby appointed a body politic and corporate, by the name of *The Trustees of the Fayetteville Academy*, and shall be able and capable to act in all things whatsoever for the promotion of said Seminary, in as full and ample a manner as any body politic or corporate can or may by law.

III. *And be it further enacted*, That all laws and clauses of laws which come within the purview and meaning of this act, be, and the same are hereby repealed and made void.

CHAP. LXXXII.

An Act to establish an Academy in the County of Haywood.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Bird, William Cathey, sen. Abraham Eaton, David Powell and Archibald McHenry, be, and they are hereby declared to be a body politic and corporate, to be known by the name of *The Trustees of the Green-Hill Academy*, and by that name shall have perpetual succession, and they or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to take, demand and receive any property, real or personal, and any monies or other things

that shall be given for the use of the said Academy, and the same to apply according to the will of the donor; and by gift, purchase or devise, to take, have, possess, receive, enjoy and retain, to them and their successors forever, any lands, rents or tenements, of what nature or kind soever, in special confidence that the same, or the profits thereof, be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted*, That the said trustees, or a majority of them, shall have authority to make such by-laws and regulations as are usual in such Seminaries, and to appoint other trustees, who shall have the same power and authority as are granted to the trustees appointed by this act.

CHAP. LXXXIII.

An Act to establish an Academy in Onslow County.

WHEREAS the diffusion of useful knowledge, by establishing Seminaries for the education of youth, is productive of general benefit, and essential to the permanence of a Republican Government:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Nathaniel Loomis, Lemuel Doty, John Wiley, James Thompson, Benjamin Farnell, Daniel Bender, Daniel Ambrose, sen. George White, William Ferrand, Dempsey Jones, Thomas Russell, Edward Ward, Charles Sneed, John Pollock, George W. Nobles, Thomas Henderson, David Gornto, Jonathan Ketcham, Joseph Marshall, Bick House, William Mountford, John Hommonds, Crew Dudley, William Jones, Edward Williams, George W. Mitchell, Richard Ward, William Fillinghurst, Lewis Ellis, Isaac Colcroft and Christopher Dudley, shall be, and are hereby declared a body politic and corporate, to be known and distinguished by the name of *The President and Trustees of the Onslow Academy*, and by that name shall have perpetual succession, and they and their successors, or a majority of them, by the name aforesaid, shall be capable and able in law, to receive and possess any quantity of lands or tenements, goods or monies, that may be given to the use of the Academy, and apply the same according to the will of the donor.

II. *And be it further enacted*, That the said trustees shall sell and dispose of any lands, tenements, goods or chattels, that may be given to the use of said Academy, when the will of the donor does not forbid it; and further, that the said trustees, by the name aforesaid, to-wit, The President and Trustees of the Onslow Academy, shall be able and capable to sue and be sued, plead and be impleaded, in any court within this State, and shall have power to do all such things as are incident to, and usually exercised by bodies politic for the promotion of the object contemplated, and not incompatible with the constitution of this State.

III. *And be it further enacted*, That the said trustees, or a majority of them, shall have power to elect a President, Secretary and Treasurer, also to appoint such Professors and Tutors as they may deem proper; and that they shall make all such laws and regulations for the government of said Academy, as may be necessary for the preservation of order and good morals.

IV. *And be it further enacted*, That the said trustees, or a majority of them, are hereby authorised and empowered, to purchase such quantity of land as they may deem expedient for building the Academy thereon. And in case of death, refusal or inability to act of any of the trustees now appointed, the remaining trustees, or a majority of them, may elect others to supply their places, and shall also have power to elect additional trustees, so that the whole number may not exceed thirty-six.

CHAP. LXXXIV.

An Act to authorise the Trustees of the Franklin Academy to raise, by way of lottery, a sum of money for the purpose of purchasing Books for the use of said Academy.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the trustees of the Franklin Academy, or a majority of them, shall be, and they are hereby authorised and empowered to raise by way of lottery, a sum or sums of money, not exceeding five hundred dollars, for the purpose of purchasing books for the use of said Academy.

II. *And be it further enacted*, That John Foster, William Harrison and William Moore, Esquires, be, and they are hereby appointed managers to conduct and superintend the said lottery or lotteries, under the inspection and direction of the said trustees, or a majority of them. And the said managers shall enter into bond and security for the due and faithful discharge of the trust reposed in them, and shall be accountable for the prizes and profits thereof; and in case any of the managers appointed as above, shall die or refuse to act, then and in that case, the said trustees, or a majority of them, shall have full power and authority to fill such vacancy or vacancies, and the person or persons so appointed by the trustees, shall be the manager or managers for the purpose aforesaid: *Provided always*, the person or persons so appointed shall not be trustees of the Academy.

III. *And be it further enacted*, That all prizes shall be paid within one month after the drawing is finished, upon the demand of the possessor of a fortunate ticket; and all prizes not demanded in six months after the drawing is finished, of which public notice shall be given within one week thereafter in the *Raleigh Register*, and a list of the fortunate numbers published, the same shall be considered as relinquished for the benefit of said Academy. And the produce of said lottery or lotteries shall be vested in the trustees aforesaid for the purposes aforesaid.

CHAP. LXXXV.

An Act to authorise the Trustees of Germanton Academy, in Stokes county, to raise by way of lottery or lotteries, a sum not exceeding five hundred pounds, for the purpose of purchasing a lot or piece of Land, and Books for the use of said School.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the trustees of the Germanton Academy, in Stokes county, or a majority of them, be, and they are hereby vested with full power and authority to raise by way of lottery or lotteries, a sum not exceeding five hundred pounds, for the purpose of purchasing a lot or piece of land, and books for the use of said Academy.

1809 II. *And be it further enacted*, That the trustees of the said Academy shall appoint three men of skill and probity, not belonging to their body, for the purpose of conducting such lottery or lotteries, agreeable to such scheme or schemes as the said trustees, or a majority of them may think proper to devise, who shall have full power and authority to adopt such rules and regulations as may appear to them necessary for conducting the same.

CHAP. LXXXVI.

An Act to authorise the Trustees of the Hico Academy to raise a sum of money, by way of lottery, to be applied by said Trustees to the use and benefit of said Academy.

WHEREAS it is consistent with the policy of every enlightened Legislature to promote the diffusion of learning and science :

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the trustees of the Hico Academy, shall be, and they are hereby declared to be vested with the full power and authority to raise a sum not exceeding one thousand dollars, by one or more lottery or lotteries, by such scheme or schemes, as the said board of trustees may think proper.

II. *And be it further enacted*, That the said trustees shall have, and they are hereby declared to have full power to appoint, from time to time, commissioners to manage such lottery or lotteries as may be established, and to make such rules and regulations respecting the sale of tickets or the payment of prizes, as they may deem necessary ; any law, usage or custom to the contrary notwithstanding.

CHAP. LXXXVII.

An Act to add to the number of Commissioners already appointed for the Washington Academy, in the county of Beaufort.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John Kennedy, Isaiah Woodard, Isaac Smith and James Williams, be, and they are hereby appointed trustees, with the same powers and authorities as those already appointed trustees for the said Academy.

CHAP. LXXXVIII.

An Act to repeal an act, passed at the last General Assembly, entitled " An act to authorise the Trustees of the Elizabeth-town Academy, in Bladen county, to rent out the Fishery on the Town Commons, and for other purposes."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the before recited act be, and it is hereby repealed and made void.

CHAP. LXXXIX.

An Act to amend an act passed in the year 1806, entitled " An act dividing the city of Raleigh into three wards, and to amend an act, entitled An act for the government of the city of Raleigh, and for repealing all former acts passed for this purpose."

WHEREAS the western ward in the city of Raleigh hath considerably increased in population since the passing of the above recited act, which authorised the election of one commissioner only for said ward :

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, there shall be three commissioners elected in the western ward of the city of Raleigh, at the same times, and under the same rules, regulations and restrictions, as are now fixed and established by law for the electing of commissioners for the said city, who shall have all the powers and authorities, and be governed by the same rules and regulations as those heretofore authorised to be elected in the several wards of said city.

II. *And be it further enacted*, That this act shall be in full force from and after the ratification thereof.

CHAP. XC.

An Act to appoint Commissioners for the town of Kinston, in Lenoir county, and for other purposes therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Bryan Whitfield, John Washington, John Gattin, William Croom, Lewis Whitfield, John Harrell, Frederick Jones and Josiah Hancock, be, and they are hereby appointed commissioners of the said town, with all the powers, privileges and authorities as those heretofore appointed.

II. *And be it further enacted*, That an act of Assembly, passed in the year one thousand eight hundred and six, appointing commissioners for said town, and other purposes, be, and the same is hereby repealed and made void ; any law to the contrary notwithstanding.

CHAP. XCI.

An Act for the better regulation of the town of Lewisburg, in the county of Franklin.

WHEREAS it is found that the inhabitants of the town of Lewisburg labour under many difficulties for want of competent laws to regulate the same : For remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That five proper persons shall be annually chosen by the inhabitants of the said town to act as commissioners for the space of one year. And it shall be the duty of the sheriff of the county of Franklin, by himself or his lawful deputy, on the first Monday in February next, and on the first Monday in February in each and every year thereafter (first advertising the same ten days at the court-house door) to attend at the court-house in Lewisburg, and hold an election for that purpose, under the same rules and regulations as other elections are held in the said county.

II. *Be it further enacted*, That if the said sheriff shall fail or neglect to hold the election aforesaid, he shall forfeit and pay the sum of ten pounds, to be recovered by any person suing for the same in his proper name, one half to the commissioners of the said town, and the other half to the use of the person suing for the same.

III. *Be it further enacted*, That any person residing in the county of Franklin and owning real property within the said town to the value of one hundred pounds or upwards, shall be eligible to act as a commissioner in the said town; and all freemen of the age of twenty-one years and upwards, who have resided in said town one month immediately preceding the day of election, shall be entitled to vote for commissioners aforesaid.

IV. *Be it further enacted*, That the said commissioners when elected and declared by the sheriff, shall convene as soon thereafter as possible and enter upon the duties of their office, first taking and subscribing the following oath: "I, A. B. do solemnly and sincerely swear, that I will do and execute the office of commissioner for the town of Lewisburg, to the best of my skill and ability, so help me God."

V. *Be it further enacted*, That the said commissioners and their successors in office, shall be a body politic and corporate, by the name of *The Commissioners of the Town of Lewisburg*, and shall have full power and authority to appoint a treasurer, clerk and such other officers as to them shall appear necessary for the better regulation of the said town, and regulate the salaries of such officers.

VI. *Be it further enacted*, That the commissioners shall have full power and authority to lay a tax upon all property in the said town, not exceeding ten shillings upon every one hundred pounds value of real property, nor exceeding ten shillings upon every free taxable poll, who resides in the said town: And it is hereby expressly declared to be the duty of the sheriff of the said county to collect the same at the same time, and under the same rules and regulations as he collects other taxes, and shall be entitled to the same fees as for collecting other taxes; and shall pay over to the treasurer of the Board of commissioners all such monies as he has received, on or before the first day of October in each and every year, under the penalty of five pounds, to be recovered by the treasurer of the board of commissioners upon motion in open court, at the first court in the county of Franklin after such default shall happen.

VII. *Be it further enacted*, That the said commissioners shall have full power and authority to make such by-laws, rules and ordinances, for the good government of the said town, as to them may appear just and proper, not inconsistent with the laws of this State.

VIII. *Be it further enacted*, That all fines and forfeitures which may be incurred under the ordinances of the commissioners of the said town, shall be enforced and recovered before any justice of the peace of the county of Franklin, subject to appeal, as in all other cases; and it is hereby declared and made the duty of the justices of the said county to respect the same, as far as they are consistent with the laws and constitution of this State.

IX. *Be it further enacted*, That the said commissioners shall obtain from the clerk of the county court of Franklin a copy of the returns of the list of taxables and taxable property in the said town for each and every year, and cause the same to be delivered to the sheriff, within one month from the time the annual returns are delivered to him by the clerk of the court, with the rates of taxes by them imposed, which list shall be the guide of the said sheriff for collecting the internal taxes of the said town; and if such list, with the above rates, are not delivered in due time, the said sheriff shall not be liable to any fine or forfeiture incurred under this act.

X. *And be it further enacted*, That all acts and clauses of acts, that come within the purview and meaning of this act, be, and the same are hereby repealed and made void, any law or usage to the contrary notwithstanding.

CHAP. XCII.

An Act to amend the first section of an act passed in the year one thousand seven hundred and ninety-nine, entitled "An act for the regulation of the town of Washington in the county of Beaufort."

WHEREAS difficulties may arise from the neglect of the sheriff of the county of Beaufort to hold an election for the town of Washington, agreeable to the first section of the above recited act: For remedy whereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if the sheriff of said county should fail to hold the said election for commissioners of the town of Washington agreeable to the above recited act, then and in that case it shall and may be lawful for the sheriff or lawful deputy to hold said election at any time within forty days thereafter, by giving public notice thereof agreeable to the directions of the above recited act.

II. *And be it further enacted*, That if the sheriff shall refuse or neglect to hold said election, he shall forfeit and pay the sum of twenty-five pounds for each neglect, to be recovered before any jurisdiction having cognizance thereof, and disposed of as directed in the above recited act, any law to the contrary notwithstanding.

CHAP. XCIII.

An Act to erect a Town at the confluence of Little and Big Yadkin Rivers in the county of Surry by the name of Hallsborough.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Edward Lovill, Daniel Scott and Job Martin be, and they are hereby appointed commissioners to lay off a town at the confluence of Little and Big Yadkin rivers, on the lands of John Hall, in the county of Surry; and the said town, when laid off by the commissioners aforesaid and a return of their proceedings made and deposited in the clerk's office of the county of Surry, shall be called and known by the name of Hallsborough.

CHAP. XCIV.

An Act to repeal an act passed at the last session of the General Assembly, entitled "An act to repeal an act passed in the year one thousand seven hundred and fifteen, entitled An act for appointing a town in the county of Bath (now the county of Beaufort) and for securing the Public Library belonging to St. Thomas's Parish in Pamlico."

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the above recited act, passed at the last session of General Assembly, be, and the same is hereby repealed and made void; and the several acts heretofore passed, and which were repealed by the above recited act, are revived and continued in full force.

1809

CHAP. XCV.

An Act to exempt the citizens of Tyrrell county residing on the East side of Alligator river, from working on the Roads on the West side of said river.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the citizens of Tyrrell county residing on the East side of Alligator river be, and are hereby exempted from working on any road or roads whatever, on the West side of said river, any law, usage or custom to the contrary notwithstanding.

CHAP. XCVI.

An Act to prevent disorderly conduct and the sale of spirituous liquor at Musters, in the county of Guilford.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That no person whatsoever shall sell, by retail or otherwise, any spirituous liquor to any person while on parade at any muster in the county of Guilford, under the penalty of forty shillings, to be recovered by warrant before any justice of the peace, by any person suing for the same, to be applied, one half to the informer, and the other half to the use of the poor of said county; any law, usage or custom to the contrary notwithstanding.

CHAP. XCVII.

An Act to authorise the Administrators of Obed Williams, deceased, late Sheriff of the county of Onslow, to complete the collection of taxes for the year one thousand eight hundred and eight.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the person or persons who may be appointed to administer on the estate of Obed Williams, deceased, late sheriff of Onslow county, be, and they are hereby authorised to collect the taxes due in said county for the year one thousand eight hundred and eight; which collection shall take place under the same rules and regulations as all other collections of public taxes, any law to the contrary notwithstanding.

CHAP. XCVIII.

An Act to direct when Elections shall in future be held in the county of Cumberland and town of Fayetteville.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the sheriff of Cumberland shall, by himself and his lawful deputies, hold the elections in Cumberland county and town of Fayetteville, on the second Thursday in August, at the places where they are now held, to elect members to Congress and members to represent said county and town in the General Assembly, under the same rules, regulations and restrictions as heretofore directed by law.

II. And be it further enacted, That the sheriff and his deputies shall close the polls at sun-set, and shall immediately after, in the presence of the inspectors, proceed to count out the votes and make due returns thereof, at or before two o'clock, P. M. on Friday following, to the sheriff at the court-house, whose duty it shall be to attend then and there for the purpose of receiving the same, and in the presence of two Justices of the Peace, compare the polls, declare the persons having the greatest number of votes duly elected, and give a certificate accordingly.

III. And be it further enacted, That if the said sheriff, his deputies, or either of them, should fail or neglect to perform the duty as aforesaid, they or either of them so failing, shall forfeit and pay the sum of fifty pounds, to be recovered by action of debt, before any jurisdiction having cognizance thereof, in the name, and to the use of him or them who shall sue for the same, and be further liable to an action of damage to the person injured.

IV. And be it further enacted, That elections for electors to vote for President and Vice-President of the United States shall be held under the same rules and regulations as are prescribed by law.

V. And be it further enacted, If the said sheriff, his deputies, or either of them, should, from sickness or any other unavoidable accident, fail to attend as aforesaid, then one justice of the peace and two freeholders are hereby authorised to appoint some discreet person to supply his place and to act in conjunction with the inspectors, who shall in both cases be sworn to discharge his duty faithfully.

VI. And be it further enacted, That all acts and clauses of acts coming within the purview and meaning of this act, be, and the same are hereby repealed.

CHAP. XCIX.

An Act to establish a separate Election in the county of Columbus, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be an election held in the county of Columbus, at the house of John Clark, on the second Thursday in August in each and every year, under the same rules and restrictions that other separate elections are held in said county.

II. And be it further enacted, That the separate elections heretofore held at the house of John Grisset in said county, shall hereafter, be held at the house of Philip Faulk.

III. And be it further enacted, That Isaac Powell, William Baldwin, Joel Stevens, John Rawls, James Thoma, John Lay, junior, and John Wilson be, and they are hereby appointed commissioners for fixing on a proper and convenient place in said county whereon to erect the public buildings, the duties of which appointment they, or a majority of them, are requested to execute as soon as possible after the passing of this act; but until a court-house shall be erected, or some other place fixed upon by the commissioners aforesaid, the court of pleas and quarter-sessions for the county of Columbus shall be held at the house of Stephen Banfield.

IV. And be it further enacted, That Solomon Reaves, Thomas Frink, Wynn Nance, Absalom Powell, Simon Green, senior, James B. White and Isaac Powell be, and they are hereby appointed commissioners for the purpose of erecting the public buildings for the said county of Columbus, at such place as may be fixed on for that purpose; and they or a majority of them, after giving bond with approved secu-

city to the court of said county for the faithful performance of the duty required of them by this act, shall¹⁸⁰⁹ have power and authority to sue for and recover all monies that may be, or ought to be collected for the purpose of defraying the expence of the public building aforesaid, and to compel the performance of any contract that may be entered into for the performance aforesaid.

V. *And be it further enacted*, That the county surveyor of Columbus be, and he is hereby authorised and required, within ninety days after the passage of this act, to apply to the county surveyors of Bladen county and Brunswick county, for all warrants of survey for lands which may be in their, or their deputies hands, which may have been issued on entries made with either of the entry-takers of the said counties of Bladen and Brunswick, previous to the establishment of the county of Columbus, for lands which now lie within the limits of the said county of Columbus, which warrants the said surveyors of Bladen county and Brunswick county, are hereby required to deliver, under the penalty of forty shillings for each warrant, to be recovered by the county surveyor of Columbus, for the use of the county, before any jurisdiction having cognizance thereof, and further liable for damages to the party injured. And on the receipt of such warrants as aforesaid by the surveyor of Columbus, he is hereby required and authorised to proceed to survey the same, and make return thereof in the same manner, into the Secretary's office, as if they had been issued on entries made with the entry-taker of Columbus.

CHAP. C.

An Act to establish the mode of Elections in future in the county of Haywood.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, the elections for members of the General Assembly of this State for the county of Haywood, shall be held on the second Thursday in August, in each and every year, at the following places, to-wit, at the house of William M'Connell, on Scott's creek; at the house of Thomas Dilliard, on Oconalufy river, and at the court-house of said county. And that elections for members of Congress shall be held at the places aforesaid, on the second Thursday of August in the years in which members of Congress are, or may by law be directed to be elected.

II. *And be it further enacted*, That it shall be the duty of the court of said county, at the court next preceding the day of election, to appoint one justice and two freeholders to act as inspectors of the polls at said place of election on Oconalufy river, and also one justice of the peace and two freeholders to act as inspectors of the polls at said place of election on Scott's creek, whose duty it shall be to attend at the respective places for which they are severally appointed, on the day mentioned in this act for holding said elections, and open said elections at ten o'clock in the morning of said day of election, and keep the same open until three o'clock in the afternoon of the same day, at which time they may close the polls, if they think proper; and said court shall also appoint two freeholders to act as inspectors with the sheriff of said county, or his legal deputy, at the election to be held at the court house.

III. *And be it further enacted*, That the inspectors of the elections on Scott's creek and Oconalufy aforesaid, shall immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by them, or one of them, returned at or before two o'clock the next day, to the sheriff of the said county, or his lawful deputy, at the court house. And it is hereby declared to be the duty of said sheriff or deputy, to attend at the court-house the day succeeding the day of election, to receive the returns so made by the inspectors; and on the returns being made to the sheriff, he shall proceed, in the presence of the inspectors, to add the number of votes thus to him returned together, with those received by himself or deputy at the court-house; and the persons having the greatest number of votes, shall be declared duly elected, and the sheriff shall immediately make proclamation accordingly.

IV. *And be it further enacted*, That if it should so happen, that the court of said county should neglect to appoint inspectors as aforesaid, or any of them should die or refuse to act, then and in that case, it shall be lawful for any justice of the peace and two freeholders of said county to appoint them, and when so appointed, shall have the same power, and be subject to the same restrictions, as if they had been appointed by the court.

V. *And be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointments of inspectors to the sheriff, whose duty it shall be to notify them as soon as possible; and it shall be the duty of the sheriff of said county to advertise said elections at some public place in every captain's district, and at the court house door, at least twenty days previous to said elections.

VI. *And be it further enacted*, That if any person shall vote at two places of election on the same day, or vote not being legally entitled to do so, he shall forfeit and pay, on due conviction thereof before a justice of the peace, the sum of ten pounds, one half to the use of the county, the other half to him who may sue for the same.

VII. *And be it further enacted*, That elections to elect electors to vote for President and Vice-President of the United States, shall be held on the second Friday in November, at the same places of elections herein before mentioned, and under the same rules and regulations which govern other elections of the like nature in this State.

VIII. *And be it further enacted*, That all acts and clauses of acts that come within the meaning and purview of this act, be, and the same are hereby repealed and made void.

CHAP. CI.

An Act to establish the mode of Elections in future in Rutherford county.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in future all elections for members of the General Assembly of this State, for the said county of Rutherford, shall be held in the said county on the second Thursday of August in each and every year, at the several places of elections heretofore established by law, and shall be conducted in the same manner and governed by the same rules, regulations and restrictions as have been heretofore observed in other cases of elections in the said county.

1809 *II. And be it further enacted.* That the inspectors of said elections shall immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters names shall be certified by them under their hands, and returned by the person appointed to conduct such election, or one of the inspectors thereof, at or before three o'clock on Friday, the day following the said second Thursday in August, and delivered to the sheriff of the said county, or his lawful deputy, at the court house of the said county. And it is hereby declared to be the duty of the said sheriff, or his deputy, to attend at the court house on Friday the day following such day of election as aforesaid, for the purpose of receiving the returns so made, who shall immediately, in the presence of those who conducted the election at the court house, proceed to add the number of votes together thus to him returned, and the person having the greatest number of votes shall be declared duly elected, and proclamation shall accordingly be made at the court house door. *Provided,* that nothing herein contained shall affect the time and manner of holding elections in the said county for members of Congress and electors to vote for President and Vice-President of the United States; which said elections for members of Congress and electors, shall respectively be held at the same times and places, and in the same manner, as if this law had not passed.

CHAP. CII.

An Act to amend the acts of Assembly respecting Elections in Brunswick county.

WHEREAS by an act passed in the year 1806, respecting elections of members of the General Assembly for the county of Brunswick, the inspectors are required to return a correct statement of the poll, together with a list of voters names, at the court-house, the day after said elections by three o'clock; and whereas, from a removal of the seat of justice to Smithville, the time may be too short,

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said inspectors shall be allowed until five o'clock the day after the election to make such returns, by themselves or respectable persons appointed under their hands and seals, one from each election district, who shall be sworn to deliver said returns safely, without alteration and in due time.

II. And be it further enacted, That all elections heretofore directed by law to be advertised and held at the school-house in Smithville, shall be advertised and held at the court-house in said town, under the same rules, regulations and restrictions as have been heretofore prescribed.

III. And be it further enacted, That the elections for Lockwood Folly district, heretofore directed to be held at the court house for said district, shall in future be held at such place as Philip Hewitt, John Julius Gause, Daniel Bellone, Joseph Riss and Thomas Lane, or a majority of them may appoint, under their hands and seals, and certify to the county court, at or before the term to be held in July next, which elections shall be held on the same day, and conducted under the same rules, regulations and restrictions as the other elections in said county for electors of President, Vice President, representatives to Congress and members of Assembly; and that all acts respecting elections in Brunswick county, coming within the meaning of this act, and contrary thereto, the same are hereby repealed; and that this act shall be in force from the passing thereof.

CHAP. CIII.

An Act regulating Elections in the county of Moore.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, all elections held in and for the county of Moore at the court-house in said county, and at all the places where elections are now held for the county of Moore, shall be held on the second Thursday in August in each and every year, for the purpose of electing members to the General Assembly and representatives to Congress, under such rules, regulations and restrictions as elections are now held; and it shall be the duty of the county court preceding the day of any election, to appoint two proper persons for each election, as inspectors of the polls to be taken at the places aforesaid, which polls shall be taken by the sheriff or his deputy in the same manner and under the same rules, regulations and restrictions as heretofore: *Provided,* The sheriff shall summon the inspectors so appointed, to attend at the time and place mentioned aforesaid for holding such election, and after being duly qualified for that purpose, proceed to open the poll and conduct the election in the usual form, and at the close of the poll proceed to count out the tickets, add them together, and return a statement of such election or elections, with the names of the voters, under their hands and seals, to the sheriff of said county, at the court-house in Pegansville, at or before two o'clock next day, whose duty it shall be to attend at the court-house for that purpose, and on receiving such returns, shall proceed to add them together, and the person having the greatest number of votes shall be by the sheriff declared duly elected, who shall immediately make proclamation at the court-house in the usual manner.

II. And be it further enacted, That if the county courts shall fail in the appointments aforesaid, or any should die or refuse to act, the sheriff or his deputy, and one justice of the peace, shall proceed to make such appointment, whose powers and authorities shall be the same, as if they had been appointed by court.

III. Be it further enacted, That if any person shall give an illegal vote, he shall forfeit and pay five pounds, upon conviction thereof before any justice of the peace, to the use of the county.

IV. And be it further enacted, That any law, or part thereof, coming within the meaning of this act, is hereby repealed.

CHAP. CIV.

An Act to amend the laws now in force relative to the Elections in the county of Buncombe.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That all elections hereafter held in the county of Buncombe for members to represent the said county in the General Assembly of this State, shall be opened, conducted and closed as usual, and at the same time and places; but the votes taken at the different separate elections in the said county on the second Thursday in August, shall not be counted out as have been heretofore observed and

directed, but the boxes, immediately after the close of the polls, shall be sealed up in the presence of the¹⁸⁰⁹ inspectors, and returned the next day to the sheriff, or his lawful deputy, at the court house, at or before four o'clock, which shall be by the said sheriff or deputy opened, counted out and added to those taken at the court-house; and the persons making return of the boxes to the sheriff at the court-house as aforesaid, shall make oath on returning the same, that the boxes thus presented continue in the same situation, and the contents the same as when closed at the place of election where the same was taken.

II. *And be it further enacted,* That the election for members of Congress and electors to vote for a President and Vice-President of the United States, shall be held at the same time, and conducted in the same manner, and under the same rules, regulations and restrictions as have been heretofore prescribed by law; any thing to the contrary notwithstanding.

CHAP. CV.

An Act to alter the mode of Elections in the county of Hyde.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, all the separate elections in the county of Hyde, that is to say, the election held at Jack's creek, in Woodstock district, and election at the Log-house landing on Pungo river, and the election held at the Lake landing, on Mattamuskeet, shall all be held on the first Friday in August in each and every year, to elect members of the General Assembly, and at the same places and at the times appointed by law for holding the elections to elect members of Congress, and electors to elect a President and Vice-President of the United States, which election shall also be holden at the said several places, on the same days as heretofore prescribed by law.

II. *And be it further enacted,* That at the county court previous to the elections, the court shall appoint one justice of the peace and two freeholders to serve as inspectors at each election, whose duty it shall be to carefully receive the votes and put each in its proper box, and at the close of the said election, seal them up and return them to the sheriff on or before the Friday following, with a list of the voters names.

III. *And be it further enacted,* That it shall be the duty of the sheriff to receive the said boxes and lists, and safely keep them till the close of the election. And also it shall be the duty of the sheriff to open and hold the annual election on the second Friday in August, at the court-house in Germantown, which shall be kept open till sun-set the same day, then said sheriff shall proceed to count out said votes, as well those taken at the separate elections as those taken at the court-house, and shall declare the person having the greatest number of votes duly elected.

IV. *And be it further enacted,* That provided the justice and freeholders appointed by the court, should fail to attend, then any justice being present may summons two freeholders to serve as aforesaid, and in both cases the said freeholders shall be sworn to inspect the polls impartially, and sign their lists.

V. *And be it further enacted,* That the election formerly held at the house of John Jordan, on the north side of the Lake, is hereby discontinued.

VI. *And be it further enacted,* That all laws and clauses of laws which come within the meaning and purview of this act are repealed and made void.

CHAP. CVI.

An Act to establish the mode of Elections in the county of Currituck.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future all elections for members of the General Assembly and for Representatives to Congress to be held in and for the county of Currituck in each and every year, shall hereafter be held on the last Saturday in July in every captain's district, at the place fixed on by them for holding petit musters.

II. *And be it further enacted,* That it shall be the duty of the court of said county, at the court next preceding the day of every election, to appoint one justice of the peace and two freeholders of said county for each place of election to act as inspectors of the polls, whose duty it shall be to attend at the places for which they are appointed on the day mentioned by this act for holding said elections; which elections shall be held in the same manner and under the same rules, regulations and restrictions as are observed in other elections in this State.

III. *And be it further enacted,* That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, under their hands and seals, together with a list of the voters names, shall be by them or some one of them returned at or before twelve o'clock on the Friday after the second Thursday in August, to the sheriff of said county or his lawful deputy at the court-house; and it is hereby declared to be the duty of said sheriff or deputy to attend at the court-house on the said Friday after the second Thursday in August, to receive the returns so made by the inspectors; and on their being made to the sheriff, he shall, in presence of the inspectors, proceed to add the number of votes thus to him returned together, and the persons having the greatest number of votes shall be deemed lawfully elected, and the sheriff shall immediately at the court-house door make proclamation accordingly.

IV. *And be it further enacted,* That if it should so happen, that the court of said county should neglect to appoint inspectors as aforesaid, or any of them should die or refuse to act, then and in that case it shall and may be lawful for any one justice and two freeholders to appoint them, and when so appointed, they shall have the same powers and be subject to the same restrictions as if they had been appointed by the court.

V. *And be it further enacted,* That it shall be the duty of the clerk of said court, to deliver copies of the appointments of said justice and inspectors to the sheriff, whose duty it shall be to notify them as soon as possible; and it shall be the duty of the sheriff of said county to advertise said elections in every captain's district, and at the court-house door, at least twenty days previous to said elections.

VI. *And be it further enacted,* That if any person shall vote at more than one election, or twice at one election; or if any person who is not lawfully entitled to vote, shall vote at any of said elections, he or they shall, on conviction before any one justice of the peace in said county, forfeit and pay the sum of five pounds, one half to the person prosecuting for the same, and the other half to the use of the poor of said county.

1809 VII. *And be it further enacted*, That the elections for an elector to vote for a President and Vice-President of the United States, shall be held at the same places as the other elections in said county, on the day as already fixed by law, under the same rules and regulations as other elections in said county.

VIII. *And be it further enacted*, That all acts and clauses of acts that come within the meaning and purview of this act, and contrary thereto, are hereby repealed and made void.

CHAP. CVII.

An Act to alter the mode of Elections in the county of Robeson.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the elections heretofore held at the court house in Robeson county, shall be holden on the second Thursday in August in each and every year (being the same day on which all other separate elections in said county are directed by law to be held). And the said election at the court-house aforesaid, shall be opened, held, conducted and closed, in the same manner, and under the same rules, regulations and restrictions as are already prescribed by law for the holding and conducting the other separate elections in said county.

II. *And be it further enacted*, That no election shall hereafter be held at the court-house aforesaid, on the second Friday in August as usual, but that the inspectors of the different separate elections in said county, immediately after the close of the polls, shall proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by them returned at or before two o'clock the next day, to the sheriff of said county, or his lawful deputy, at the court-house. And it is hereby declared to be the duty of the said sheriff or deputy to attend at the court-house on Friday, being the day following, to receive the returns so made by the inspectors; and on the returns being made to the sheriff or his deputy as aforesaid, he shall, in presence of the inspectors, proceed to add the votes together thus to him returned, and the persons having the greatest number of votes, shall be declared duly elected, and the sheriff shall make proclamation accordingly.

CHAP. CVIII.

An Act to establish the mode of Elections in future in the county of Bertie.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future, all elections for members of the General Assembly of this State, shall be held in the county of Bertie, on the first Friday in August, in every captain's district, at the places fixed on by them for holding their petit musters.

II. *And be it further enacted*, That it shall hereafter be the duty of the court of said county, at the court next preceding the day of any election, to appoint one justice of the peace and two freeholders to act as inspectors of the polls, whose duty it shall be to attend at the places for which they are appointed, on the day mentioned in this act for holding said elections, which elections shall be held in the same manner, and under the same rules, regulations and restrictions, as are observed in other cases of elections within this State.

III. *And be it further enacted*, That the inspectors shall, immediately after the close of the polls, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by them, or some one of them, returned at or before two o'clock the next day, to the sheriff of said county or his lawful deputy, at the court-house. And it is hereby declared to be the duty of the said sheriff or deputy to attend at the court-house the day after said elections, to receive the returns so made by the inspectors. On the returns being made to the sheriff, he shall, in the presence of the inspectors, proceed to add the number of votes thus to him returned together, and the persons having the greatest number of votes, shall be deemed duly elected, and the sheriff shall immediately, at the court house door, make proclamation accordingly.

IV. *And be it further enacted*, That if it should so happen, that the court of said county should neglect to appoint the inspectors as aforesaid, or any of them should die or refuse to act, then and in that case, it shall and may be lawful for any one justice of the peace and two freeholders to appoint them, and when so appointed, they shall have the same powers, and be subject to the same restrictions, as if they had been appointed by the court.

V. *And be it further enacted*, That it shall be the duty of the clerk of said court to deliver copies of the appointment of the said inspectors to the sheriff, whose duty it shall be to notify them as soon as may be of their appointment; and the sheriff is hereby required to advertise said elections in every captain's district, and at the court-house door, at least twenty days previous thereto.

VI. *And be it further enacted*, That if any person shall vote at more than one election on the same day, he shall, on conviction before any justice of the peace for said county, forfeit and pay the sum of five pounds, to any person who will sue for the same.

VII. *And be it further enacted*, That the elections for members of Congress and for electors to vote for a President and Vice-President, shall be held in said county at the aforementioned places, and in the same manner, subject to the same rules, regulations and restrictions as other elections in this State.

VIII. *And be it further enacted*, That all acts and clauses of acts that come within the meaning and purview of this act, and contrary thereto, are hereby repealed and made void.

CHAP. CIX.

An Act to remove the separate Election heretofore held at the house of Robert Bell, in the county of Guilford.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election held at the house of Robert Bell, in the county of Guilford, shall hereafter be held at such place as Allen Unthank, Joshua Edwards, Jacob Hunt, Zaza D. Brasher, Herbert Peebles, or a majority of them, shall fix upon, on the same day, and under the same rules, regulations and restrictions, as have heretofore been held at the said Robert Bell's; any thing contained in the law establishing said separate election to the contrary notwithstanding.

CHAP. CX.

1809

An Act to repeal an act passed by the General Assembly of the State of North-Carolina, in the year of our Lord one thousand eight hundred and eight, entitled "An act to establish a separate Election in the county of Perquimans."

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the before recited act, and every part thereof, shall be, and are hereby repealed and made void and of none effect; and that the elections to be held in said county for the future, shall be held at the court house in said county on v, on the same days, and under the same rules, regulations and restrictions as heretofore prescribed by law; any law, usage or custom to the contrary notwithstanding.

CHAP. CXI.

An Act to amend an act granting separate Elections in the county of Wilkes, passed in the year 1803.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, there shall be held at the dwelling-house of the Widow Brown, on the Little River, on the south side of the Brushy Mountains, one other separate election, to be held on the same day, and under the same rules, regulations and restrictions as the other separate elections in said county; and the amount of the votes taken at said separate election, shall be transmitted to the court-house, and added to the votes taken at the other elections in said county; any law to the contrary notwithstanding.

CHAP. CXII.

An Act to alter the places of holding two separate Elections in the county of Tyrrell.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the separate election heretofore established and held at the house of Samuel Mydgett, in the county of Tyrrell, shall hereafter be holden at the house of William Applegate, at Fort Landing; and the election heretofore held at the house of Joseph White, on Great Alligator, shall hereafter be held at the house of Jeremiah Wynns. And the said separate elections at the places hereby established, shall be opened, conducted and closed on the same days, and under the same rules, regulations and restrictions, as have been heretofore observed and directed for the regulation of the said separate elections, when established and held at the houses of the said Mydgett and White; any law to the contrary notwithstanding.

CHAP. CXIII.

An Act to amend an act to establish separate Elections in the county of Iredell, so far as respects the places of holding two separate Elections in said county, and to appoint Commissioners for the town of Statesville.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the elections heretofore held at Francis Young's Store, known by the name of Mount Grove, and the Widow Bogle's, are hereby repealed; and an election for the same purposes shall in future be held on the second Thursday of August in each and every year, at Jacob West's, Cross Roads; and the election to be held at said Jacob West's, shall be under the same rules, regulations and restrictions of the other separate elections in said county.

II. *And be it further enacted,* That William M'Night, James Irwin, Joseph Guy and Miles Nesbit, be appointed commissioners, in addition to the present surviving commissioners, with all the powers and authorities heretofore given the commissioners for the town of Statesville.

III. *And be it further enacted,* That so much of the acts of 1801 and 1802, as relates to appointing commissioners for the better regulating the internal police of the town of Statesville, in the county of Iredell, is hereby repealed; and from and after the passing of this act, James Hart, James Irwin, John Nesbit and Robert Simonton, are hereby appointed commissioners for the said town of Statesville, with full power and authority to lay a tax not exceeding two shillings and sixpence on each head of horses, cattle, hogs or dogs, being the property of an inhabitant, and suffered to run at large in said town, to be recovered before any justice of the peace of said county, on complaint of any of the said commissioners, upon their giving evidence of the same.

IV. *And be it further enacted,* That all fines recovered by the above section of this act, shall be applied to the repairing of the streets of said town; and the commissioners appointed by this act, are hereby invested with the same powers and authorities as those appointed by the above mentioned acts; any law to the contrary notwithstanding.

CHAP. CXIV.

An Act to establish a separate Election in the county of Bladen.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, a separate election shall be granted to the inhabitants on the Brown Marsh in Bladen county, to be held at Kellv's Store, on the second Fair-day in August of each and every year, for the purpose of electing members of the General Assembly, and to elect a member in the Congress of the United States, and to chuse an elector to vote for a President and Vice-President of the United States.

II. *And be it further enacted,* That it shall and may be lawful for the county court of Bladen, at their last session previous to said day of election, to proceed to appoint two good and sufficient freeholders, with one justice of the peace, to superintend and direct such election, in the same manner, and under the same rules, regulations and penalties as heretofore prescribed by law for the regulations of elections in the said county.

III. *And be it further enacted,* That when elections may happen to vote for a President and Vice-President of the United States, the said county court shall appoint directors as above authorised, whose duty it shall be to conduct said elections, in the same manner as all other elections in said county heretofore provided for.

1809

CHAP. CXV.

An Act to establish a separate Election in the county of Burke.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the sheriff of the county of Burke, or his lawful deputy, to open and hold an election at the place where Captain Merit Burgen's militia company meets to muster in the county aforesaid, on the second Thursday in August in each and every year, for the purpose of electing members to represent the said county in the General Assembly of this State, which shall be opened, conducted and closed, and the returns thereof made, in the same manner, and under the same rules, regulations and restrictions as are prescribed for the regulation and government of other separate elections in said county.

II. And be it further enacted, That elections shall be held at the place aforesaid for members of Congress and electors to vote for a President and Vice-President of the United States, at the same times as are already prescribed by law for holding such elections, and shall be conducted in the same manner, and under the same rules, regulations and restrictions as have been heretofore prescribed and observed in such cases; any thing to the contrary notwithstanding.

CHAP. CXVI.

An Act to establish a separate Election at the house of John Miller, in the county of Lincoln, and for other purposes therein mentioned.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the sheriff of the county of Lincoln, or his lawful deputy, to open and hold an election at the house of John Miller, in the county of Lincoln, on the second Thursday in August in each and every year, for the purpose of receiving votes for members of the General Assembly of this State, and shall be opened, conducted and closed in the same manner, and under the same rules, regulations and restrictions as are prescribed for all other elections established in said county.

II. And be it further enacted, That all other elections heretofore established in said county, shall in future be holden at their respective places on the aforesaid second Thursday in August, in each and every year. And the election held at the court-house, shall in future only be holden on Thursday, the day herein specified for holding all other elections in said county, and all of which shall be conducted in the same manner, and governed by the same rules, as have been heretofore prescribed for the separate elections in said county.

III. And be it further enacted, That the Inspectors shall immediately after the close of the polls of the elections for which they are respectively appointed, proceed to count out the votes, a correct statement of which, together with a list of the voters names, shall be by them returned on or before two o'clock of the succeeding day, to the sheriff of said county, or his lawful deputy; which statement shall be signed by the Inspectors. And it is hereby declared to be the duty of the said sheriff, or deputy, to attend at the court house on the day succeeding the day of election, to receive the returns so made by the Inspectors; and on the returns being made to the sheriff, he shall, in presence of the Inspectors, proceed to add the number of votes then to him returned together, and the persons having the greatest number shall be deemed duly elected; and the sheriff shall immediately, at the court-house door, make proclamation accordingly.

IV. And be it enacted, That the election next to be holden in the said county for members of Congress, shall be held at the several places of election in the said county, on the second Thursday of August next, under the same rules as are prescribed for holding and conducting elections for members of the General Assembly, under this act, and in the same manner on the second Thursday of August in every second year thereafter.

V. And be it enacted, That the elections for Electors to vote for a President and Vice-President of the United States, shall be holden at the aforesaid places established by this act, and at the several places heretofore appointed by law, at the time, and under the same rules, regulations and restrictions, as have been prescribed by law.

VI. And be it further enacted, That any person or persons voting at two places during the same election, or twice at the same place, shall pay, for each and every such offence, the sum of five pounds, to be recovered before any Justice of the Peace, one half to the use of the person suing for the same, and the other half to the use of the poor of said county. And any person or persons voting at any of the said election places for members of the General Assembly of this State, members of Congress, and for electors to vote for a President and Vice-President, who are not entitled to vote, to pay the like sum of five pounds, to be recovered and applied as aforesaid; any law to the contrary notwithstanding.

CHAP. CXVII.

An Act to establish a separate Election at Walter Hanrahan's Mill, on Blount's Creek, in the county of Beaufort, and for other purposes.

BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the sheriff of the county of Beaufort, or his lawful deputy, to open and hold an election at Walter Hanrahan's mill, on Blount's creek, on Wednesday preceding the second Thursday in August in each and every year hereafter, for the purpose of electing members to represent the said county in the General Assembly of this State, which shall be opened, conducted and closed, and the returns thereof made, in the same manner, and under the same rules, regulations and restrictions, as are prescribed for the regulation and government of other separate elections in said county.

II. And be it further enacted, That an election shall be held at the place aforesaid for members of Congress and electors to vote for a President and Vice-President of the United States, at the same times as are already prescribed by law for holding such elections, and shall be conducted in the same manner, and under the same rules and regulations as have been heretofore observed in such cases.

III. And be it further enacted, That so much of an act of the last General Assembly as granted a removal of the separate election usually held at Stanton Herald's, in the county aforesaid, to Hickory Point,

be, and the same is hereby repealed and made void ; and the laws which were intended to be repealed by the above recited act, are hereby revived and continued in full force ; any law to the contrary notwithstanding.

CHAP. CXVIII.

An Act to establish two additional separate Elections in the county of Craven.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the two following separate elections be, and the same are hereby established in the county of Craven, that is to say, one at the house now known by the name of White's Tavern, on the road leading from Newbern to Coxe's Ferry; the other at the house of John Latham, at his upper mills on the north side of Neuse River; at which places elections shall be held by the sheriff of said county or his deputies, on the same days, and shall be conducted under the same rules and regulations in all respects, as are now fixed on and established by law for holding and regulating the other separate elections in said county, for the purpose of electing members of Assembly, members of Congress, or electors of President and Vice-President of the United States.

CHAP. CXIX.

An Act to establish one other separate Election in the county of Duplin.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the sheriff, by himself or lawful deputy, shall open and hold a separate election at the house of David Williams, on the south side of Rockfish, under the same rules, regulations and restrictions as other separate elections are held in said county.

CHAP. CXX.

An Act to establish a separate Election in the county of Stokes.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That there shall be a separate election held in the settlement of the Little Yadkin, in the county aforesaid, at or near Henry Post's, or John Connel's; the most proper place to be fixed on by Charles Vest, John Randleman, John Stone, Adam Folk and Edward Edwards, who are hereby appointed commissioners for that purpose; which election shall be held in each succeeding year on the same day, and under the same rules and regulations that govern the other separate elections in said county.

CHAP. CXXI.

An Act to establish one other separate Election in the county of Washington, at the house of William Tarkenton.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the sheriff of the county of Washington, or his lawful deputy, to open and hold an election at the house of William Tarkenton, in the county aforesaid, on the Saturday before the annual election in each and every year, for the purpose of receiving votes for members of the General Assembly of this State; which election shall be opened, conducted and closed in the same manner and under the same rules, regulations and penalties, as are prescribed for all other elections in said county.

II. *And be it further enacted,* That the elections for members of Congress, and for electors to vote for a President and Vice-President of the United States, shall be holden at the aforesaid place, under the rules, regulations and restrictions as have been prescribed by law.

CHAP. CXXII.

An Act to amend an act, passed at the last session of the General Assembly, entitled "An act to establish the mode of Elections in the county of Jones."

BE it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That in future it shall be the duty of the sheriff of said county, by himself or his lawful deputy, to open a poll at the court-house in Trenton, in the county of Jones, at twelve o'clock on Friday following the second Thursday in August, annually, for the purpose of receiving the votes of all such persons as may not have voted at any separate election, and to keep the polls open until five o'clock in the afternoon of said day, when he shall close the same, and proceed to ascertain the number of votes in favour of each candidate, and proclaim the persons elected, agreeable to the directions of the above recited act; any law, usage or custom to the contrary notwithstanding.

CHAP. CXXIII.

An Act to establish a separate Regiment in the county of Anson.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the upper battalion in the county of Anson be, and is hereby established into a separate and distinct Regiment; and the field officers when appointed and commissioned, shall conduct said regiment, and be governed by the same rules and regulations and restrictions as have been heretofore prescribed by law for the regulation and government of all other regiments established within the State.

II. *And be it further enacted,* That the regimental muster shall in future be held at the house of Griffith Lacey.

CHAP. CXXIV.

An Act to amend an act, passed in the year 1836, establishing four Regiments in the county of Buncombe.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the fourth regiment in the said county on Caney River, be known and called by the name of the Third Regiment of Buncombe county; any thing in the above mentioned act to the contrary notwithstanding.

CHAP. CXXV.

An Act to incorporate Hiram Lodge, No 40, of Raleigh.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the officers and members who at present are, or in future may be of Hiram Lodge, number forty, Raleigh, North-Carolina, are hereby constituted and declared to be a Body Corporate, under the name and title of Hiram Lodge, number forty; and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws, rules and regulations, as shall not be inconsistent with the Constitution of this State, or of the United States.

II. *And be it further enacted by the authority aforesaid,* That this act shall be in force from and after the ratification thereof.

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CHAP. CXXVI.

An Act to incorporate Unanimity Lodge, No. 54, of the town of Edenton.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the master, wardens and members who at present, or in future, may be of Unanimity Lodge, No. 54, in the town of Edenton aforesaid, are hereby constituted and declared to be a body corporate, under the name and title of *Unanimity Lodge, No. 54* and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution of this State, or of the United States.

CHAP. CXXVII.

An Act to legitimate the issue of Solomon P. Morgan and Nancy his wife, of the county of Orange.

WHEREAS it is represented that a guardian was appointed to Solomon P. Morgan, an idiot, of the county of Orange, and the said Solomon, contrary to the wishes, and without the consent of his said guardian, intermarried with a certain Nancy Sears; and therefore doubts have arisen as to the legitimacy of the said issue thereof,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the marriage of the said Solomon P. Morgan to the said Nancy Sears, as aforesaid, is hereby declared to be legal and valid, to all intents and purposes; and the children of the said Solomon and Nancy, which now are, or may hereafter be, shall be considered the lawful issue thereof, and be considered as capable of inheriting and taking property of any kind from either of their parents or any other person, in as full and ample a manner as if his said guardian had consented to his marriage, and there had been no defect in the celebration thereof.

CHAP. CXXVIII.

An Act to alter the names of the persons therein mentioned, and to legitimate a part thereof.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the name of Thomas Gasperson, of Burke county, be, and the same is hereby altered to the name of Thomas Whitson; and the names of Griffin Whitton, Brinkley Whitton, Temsey Whitton and Elizabeth Whitton, of Nash county, to that of Griffin Gandy, Brinkley Gandy, Temsey Gandy and Elizabeth Gandy; and the names of Robert Stanly, James Alcock and Emanuel Alphon, of Jones county, to that of Robert Reynolds, James Oliver and Buckner Jarman; and the name of Elvey Smith, of Gates county, to that of Elvey Lewis; and the name of John Gause, junior, of Brunswick county, to that of John Julius Gause; and the name of Ann Spurlock, of Surry county, to that of Ann Shores; and the name of Hiram Wallace, of Person county, to that of Hiram Bradshaw; and the name of George Bryan Evans, of Greene county, to that of George Hyan Evans; and the names of John Good and Samuel Smith Elliot, of Guilford county, to that of John Wilson and Samuel Smith Close; and the name of Joel Wilder, of Onslow county, to that of Joel W. Henderson; and the name of Anderson Moss, of Warren county, to that of Anderson Peoples; and the name of William Herne, of Columbus county, to that of William Flowers; and the names of William Hinessey and John Herring, of New-Hanover county, to that of William Palmer and John Jones Herring; and the name of Saphier Valentine Barnes, of Robeson county, to that of Saphier Valentine Bledsoe; and the name of David Duncan, of Sampson county, to that of George Duncan; and the names of Rebecca Pittman, James Pittman, Priscilla Pittman and Betsy Pittman, of Edgecomb county, to that of Rebecca Doherty, James Doherty, Priscilla Doherty and Betsy Doherty; and the name of Millicent Hurdle, of Gates county, to that of Millicent Freeman; and the name of Allen Rarior, of Johnston county, to that of Cullen Mitchell; and the name of Thomas Patrick Ward, of Carteret county, to that of Patrick Ward; and the name of Nigdon Broadstreet, of Johnston county, to that of Rigdon Perry; and the name of Joel Good, of Wilkes county, to that of John Cold Parks; and the name of Clem Nance Jones, of Wake county, to that of Clem Nance Shaw; and the name of Mahaley Brooks, of Beaufort county, to that of Mahaley Godley; and the name of Delia Allen, of Chatham county, to that of Delia Jones. And the aforesaid persons shall be called and known by the names as above altered, and shall be able respectively to sue and be sued, plead and be impleaded in any court of law or equity, and shall possess and enjoy the same privileges as if they had borne the names as above altered from their nativity.

II. *And be it further enacted,* That the following persons, who are mentioned in first section of this act, to wit, Saphier Valentine Bledsoe, Joel W. Henderson, Ann Shores, Elvey Lewis, Anderson Peoples, Griffin Gandy, Brinkley Gandy, Temsey Gandy, Elizabeth Gandy, Millicent Freeman, Samuel Smith Close, Rebecca Doherty, James Doherty, Priscilla Doherty, Betsy Doherty, Clem Nance Shaw and Delia Jones, shall for ever hereafter be legitimated and made capable to possess, inherit and enjoy, by descent or otherwise, any estate, either real or personal, to all intents and purposes, as if they had been born in actual wedlock.

III. *And be it further enacted,* That Mary Perry of Haywood county, the reputed child of John Gooch, and James Ward, Nancy Ward, Frederick Ward, Conrad Ward, Sarah Ward, Thomas Ward, John Ward, Alexander Ward, Betsey Ward and Lawson Ward, of the county of Lincoln, and the reputed children of Frederick Ward, and Samuel Smith Elliott, of Guilford county, to Samuel Smith Close, be, and they are hereby declared to be legitimated, and for ever hereafter shall be capable to possess, inherit and enjoy, by descent or otherwise, any estate, either real or personal, to all intents and purposes, as if they had been born in actual wedlock.

CHAP. CXXIX.

An Act to secure to the Persons therein mentioned such property as they may hereafter acquire.

BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Lydia Churchfield, of the county of Jones, wife of Eusebius Churchfield; Sally Hall, of Wake county, wife of Willoughby Hall; Hannah Coffin, wife of William Coffin, of the county of Guilford; Rebecca Younger, wife of John Younger, of Chatham county; Rebecca Clark, of the county of Lincoln, wife of William Clark; Mary Warren, of Caswell county, wife of William Warren; Catharine Oel, wife of Peter F. Oel, of Lincoln county; Frances Murden, of Franklin county, wife of David Murden; Elizabeth Armstrong, of Surry county, wife of Martin Armstrong; Rebecca Huster, of Wilkes county, wife of Jehu Huster, and Sarah Braswell, of Nash county, wife of John Braswell, be, and they are hereby entitled respectively to hold, possess and enjoy, in their sole right, all such estate, either real or personal, as they may hereafter acquire, by industry, purchase, gift or otherwise, in as full and ample a manner as if they had never been married to their respective husbands herein named, free and clear from the claims of their said husbands, or any of their creditors; and they respectively shall have full power and authority to prosecute or defend any suits, either in law or equity, in their own names, in the same manner as if they had never been married to their respective husbands; any law to the contrary notwithstanding.

CHAP. CXXX.

An Act to amend an act passed at the last session of the General Assembly, entitled "An act to alter the names and legitimate the Persons therein mentioned."

WHEREAS, by the above recited act, the names of Levi Morris and Melinda Morris, of Hyde county, were altered to the names of Levi Fuley and Melinda Fuley, and legitimated, when at the same time it was their desire and petition that their names should be altered to that of Levi and Melinda Tuley, instead of Fuley as aforesaid,

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the name of Levi Morris and Melinda Morris, of the county of Hyde (and whose names were altered at the last session of the General Assembly to Levi and Melinda Fuley) be, and they are hereby altered to the names of Levi Tuley and Melinda Tuley, and they are also declared to be legitimated; any law to the contrary notwithstanding.

CHAP. CXXXI.

1809

An Act to confirm the claims to freedom of Kitty, the wife of John Carruthers Stanly and of Eunice Carruthers Stanly, Kitty Green Stanly and Alexander Stewart Stanly.

WHEREAS, upon petition of John Carruthers Stanly, of the county of Craven, to the court of pleas and quarter sessions of said county, for a licence to emancipate and set free the following slaves, to-wit. Kitty his wife, and his two children Eunice Carruthers Stanly and Kitty Green Stanly, the said court did, at their March term, 1805, order the said slaves to be emancipated: And whereas doubts are entertained whether the said order for emancipation be valid, and there has since been born of the said Kitty, wife as aforesaid of the said John Carruthers Stanly, another child of the name of Alexander Stewart Stanly; and whereas it is the earnest request of the said John Carruthers Stanly that all doubts as to the freedom of his aforesaid wife and children may be removed, and justice seems to require that this request be complied with:

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same That the said Kitty, wife of the aforesaid John Carruthers Stanly, and the said Eunice Carruthers Stanly, Kitty Green Stanly and Alexander Stewart Stanly be emancipated; and they the said Kitty, wife as aforesaid of the said John Carruthers Stanly, the said Eunice Carruthers Stanly, Kitty Green Stanly and Alexander Stewart Stanly be and are hereby declared to be entitled to all the rights and privileges of freedom, as though they and each of them had been born free, any law, usage or custom to the contrary notwithstanding.

CHAP. CXXXII.

An Act to emancipate and set free certain Negroes, formerly the property of Alexander Worke, late of Iredell county. WHEREAS Alexander Worke, Esquire, late of Iredell county, deceased, hath left a last will and testamentary writing, wherein he desires that certain negroes, then belonging to him, may be emancipated and set free, under certain conditions, and has also provided that the said negroes shall not become chargeable to the State,

Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the following negroes, late the property of Col. Alexander Worke, of Iredell county, be emancipated and set free, (to wit) Peter, and Sall his wife, Big Peg, niece of said Peter, and the said Peg's son Harry, of a yellow complexion, and a boy by the name of Ned, Granny Nan, Old Bet the mother of Mage, and Old Hannah. And the said negroes Peter, Sall, Big Peg, Harry, Ned, Granny Nan, Old Bet and Old Hannah, are hereby emancipated and set free and shall be entitled to all the privileges of free persons of colour within this State, in the same manner and to all intents and purposes as if they were born free. Provided, That the emancipation of the said negroes shall not injure or prejudice the claim or claims of any person or persons other than the heirs and legatees of the said Alexander Worke, deceased.

CHAP. CXXXIII.

An Act to confirm the claims to freedom of George, a man of colour, agreeable to the petition of Wm. Bell, of Randolph county.

WHEREAS upon the petition of William Bell, of Randolph county, one of the executors of Richard Sayrs, late of said county, stating that the said Richard, in his last will and testament, directed and willed that George, a mulatto boy, now a man grown and of full age, might be emancipated and set free, and be known and called in future by the name of George Sayrs, Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said mulatto man George, hereafter to be called and known by the name of George Sayrs, is hereby emancipated and set free, and shall be entitled to all the privileges of free persons of colour within this State, in the same manner and to all intents and purposes, as if the said George had been free, any law, usage or custom to the contrary notwithstanding: Provided, That the said George Sayrs shall not be entitled to the right of suffrage.

CHAP. CXXXIV.

An Act to emancipate Ben, a man of colour of Hertford county.

WHEREAS it is represented to this General Assembly by Eli Copeland, of the county aforesaid, that it is his desire to emancipate and set free a man of colour, by the name of Ben, who is his slave; that his wish to do so is from conscientious motives, as well as the meritorious services of said Ben,

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the man of colour, the property of the aforesaid Eli Copeland, known by the name of Ben, be and he is hereby emancipated and set free, by the name of Ben Copeland; and he is declared to be able and capable in law to possess and enjoy all the rights and privileges of free persons of mixed blood in this State, in as full and ample a manner as the laws will permit; any law, usage or custom to the contrary notwithstanding.

CHAP. CXXXV.

An Act to emancipate David, the property of Thomas Trotter of Washington county.

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, David, the property of Thomas Trotter, of the county of Washington, be and he is hereby emancipated, and entitled to all the rights and privileges of freedom, in as full and ample manner to all intents and purposes as if he the said David had enjoyed his freedom from his nativity: and he shall henceforth be called and known by the name of David Thompson, and shall enjoy all the rights and liberties that appertain to freemen of colour. Provided, that this act shall not be so construed as to affect the claim of any creditor of the said Thomas Trotter.

Read three times and ratified in General Assembly
21st December, 1809.

JOS. RIDDICK, S. S.
T. DAVIS, S. H. C.

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